



AGENDA | REGULAR TOWN COUNCIL MEETING

May 10, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth

Council Members: Brett D. Gantt; Cheryl F. Stallings; Terry Mahaffey; Edward Gray

Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone

Interim Town Clerk: Julie Reid | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor will present the Consent Agenda to be set prior to taking action on the following items:

[CN1](#) Julie A. Reid, Interim Town Clerk

Motion to approve the minutes of the April 26, 2022 meeting of the Regular Town Council Meeting.

[CN2](#) Julie Reid, Interim Town Clerk

Motion to approve the Apex Tax Report dated April 3, 2022.

[CN3](#) Laurie Hohe, Town Attorney

Motion to approve 3 year contract renewal with LexisNexis.

[CN4](#) Shawn Purvis, Assistant Town Manager

Motion to set the Public Hearing concerning the proposed Fiscal Year 2022-2023 Budget including expenditures for Economic Development (pursuant to NCGS 158-7.1), for Tuesday, May 24, 2022 at 6:00 p.m. at the Apex Town Hall.

[CN5](#) Vance Holloman, Finance Director

Motion to approval the contract for audit services for the 2022 fiscal year with Cherry Bekaert LLP of Raleigh, North Carolina.

[CN6](#) Steve Maynard, Purchasing and Contracts Manager

Motion to approve report of award of contract to National Transformer Sales for 3 Phase Pad Mount and Single Overhead Transformers.

- [CN7](#) Steve Maynard, Purchasing and Contracts Manager
Motion to approve report of award of contract to Crossroads Ford of Apex for the purchase of a 2022 F750 Chipper Truck.
- [CN8](#) Jacques K. Gilbert, Mayor
Motion to appoint Sarah Soh as a new Planning Board member.
- [CN9](#) Sarah Van Every, Senior Planner
Motion to set Public Hearing for the May 24, 2022 Town Council meeting regarding Rezoning Application #22CZ01 Arden at Summit Pines PUD. The applicant, Collier Marsh, FC Apex, LLC., seeks to rezone approximately 11.74 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8200 Jenks Road.
- [CN10](#) Lauren Staudenmaier, Planner II
Motion to set Public Hearing for the May 24, 2022 Town Council meeting regarding Rezoning Application #21CZ31 Sears Property PUD. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 26.218 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 2108 Old US 1 Highway.
- [CN11](#) Sarah Van Every, Senior Planner
Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 24, 2022, on the Question of Annexation - Apex Town Council's intent to annex the R. Michael Strickland Trustee of Family Trust property containing 13.541 acres located at 8200 Jenks Road, Annexation #727 into the Town's corporate limits.
- [CN12](#) Dianne Khin, Director of Planning and Community Development
Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 10, 2022, on the Question of Annexation - Apex Town Council's intent to annex the Peak 360, LLC property containing 7.6631 acres located at 7825 and 7809 Jenks Road, Annexation #732 into the Town's corporate limits.
- [CN13](#) Amanda Bunce, Current Planning Manager
Motion to set the Public Hearing for the May 24, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).
- [CN14](#) Russell H. Dalton, PE, Traffic Engineering Manager

Motion to approve an Agreement with NCDOT for up to \$1,395,356 in federal funds, up to 80% reimbursement, of the total cost of right of way acquisition, utility relocation, and construction of project BL-0047, Downtown Apex Safe Routes to School, and to authorize the Town Manager to execute the agreement on behalf of the Town.

[CN15](#) Russell H. Dalton, PE, Traffic Engineering Manager

Motion to approve a Review and Oversight Agreement with NCDOT for design review and project oversight activities for project BL-0047, Downtown Apex Safe Routes to School, requiring payment of a \$10,000.00 deposit, and to authorize the Town Manager to execute the agreement on behalf of the Town.

[CN16](#) David Hardin, Water Resource Specialist

Motion to approve the Triangle Area Water Supply Project Phase IX Five-Year Interlocal Agreement and to authorize the Town Manager to execute it on behalf of the Town.

[CN17](#) Michael S. Deaton, PE, Director

Motion to approve an agreement with Itron and to authorize the Town Manager to execute the agreement on behalf of the Town.

PRESENTATIONS

[PR1](#) Mayor and Council

Presentation of LGBTQIA Pride Month 2022 Proclamation

[PR2](#) Mayor and Council

Presentation of Azerbaijan Republic Day Proclamation

[PR3](#) Mayor and Council

Presentation of National Safe Boating Week (May 21-27, 2022) Proclamation

[PR4](#) **The applicant has asked that this item be postponed.**

[PR5](#) Mayor and Council

National Public Works Week Proclamation

[PR6](#) Jason Armstrong, Chief of Police

Presentation of National Police Week Proclamation

[PR7](#) Vance Holloman, Finance Director

Presentation of an update on the Town's Customer Assistance Program and the financial condition of the Town's major operating funds.

REGULAR MEETING AGENDA

Mayor Gilbert will call for additional Agenda items from Council or Staff and set the Regular Meeting Agenda prior to Council actions.

PUBLIC FORUM

Public Forum allows the public an opportunity to address the Town Council. The speaker is requested not to address items that appear as Public Hearings scheduled on the Regular Agenda. The Mayor will recognize those who would like to speak at the appropriate time. Large groups are asked to select a representative to speak for the entire group.

Comments must be limited to 3 minutes to allow others the opportunity to speak.

PUBLIC HEARINGS

[PH1](#) Lauren Staudenmaier, Planner II

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Jessica and Abel Figueroa property containing 5.88 acres located at 804 and 808 Wimberly Road, Wake County, Annexation 723 into the Town's corporate limits.

AND

[PH2](#) Lauren Staudenmaier, Planner II

Continued from the April 26, 2022 Town Council meeting.

Public Hearing and possible motion to approve Rezoning Application #22CZ04 804 & 808 Wimberly Road and Ordinance. The applicant, Zak Shipman, Shipman Engineering, PLLC., seeks to rezone approximately 5.84 acres from Wake County Residential-80W (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 804 & 808 Wimberly Road.

[PH3](#) Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the WFINV, LLC property containing 1.910 acres located at 1016 N. Salem Street, Wake County, Annexation 730 into the Town's corporate limits.

[PH4](#) Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Tony C. Sears and Judy T. Sears property containing 1.6209 acres located at 0 Kelly Road, Annexation #731 into the Town's corporate limits.

[PH5](#) Shelly Mayo, Planner II

Public hearing and possible motion to approve Rezoning Application #21CZ29 North Salem Station PUD. The applicant, Ana Wadsworth with The Wooten Company, seeks to rezone approximately 10.39 acres from Planned Commercial (PC) & Neighborhood Business (B1) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Candun Dr., 0 Laura Duncan Rd., and 0 N. Salem St.

[PH6](#) Amanda Bunce, Current Planning Manager
Public Hearing and possible motion regarding amendments to the Unified Development Ordinance (UDO) related to the creation of the Downtown Festival District and other associated amendments.

[PH7](#) Amanda Bunce, Current Planning Manager
Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance (UDO).

OLD BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

UPDATES BY TOWN MANAGER

CLOSED SESSION

[CS1](#) Steve Adams
Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the town's position with respect to property acquisition.

WORK SESSION

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Julie A. Reid, Interim Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve the minutes of the April 26, 2022 meeting of the Regular Town Council Meeting.

Approval Recommended?

Yes

Item Details

Motion to approve the minutes of the April 12, 2022 meeting of the Regular Town Council Meeting

Attachments

- Minutes of the Regular Town Council Meeting of April 26, 2022





MINUTES - REGULAR TOWN COUNCIL MEETING

APRIL 26, 2022 AT 6:00 PM

COUNCIL CHAMBERS – APEX TOWN HALL, 73 HUNTER STREET

WELCOME AND COMMENCEMENT

The regular meeting of the Apex Town Council was called to order by Mayor Gilbert. The Mayor began the meeting with a welcome and invocation saying

“The Town of Apex values and celebrates diversity and inclusion. We see diversity as a strength that binds the community together. Inviting members from different faith communities to deliver an invocation at the beginning of our council meetings supports this unity, recognizes that not everyone practices the same traditions, we welcome you to have a private moment of silence.”

The mayor asked those attending to join in the Pledge of Allegiance.

Town Council and Administration:

In attendance were Mayor Jacques K. Gilbert, and Council Members Brett D. Gantt, Terry Mahaffey, Cheryl F. Stallings and Edward Gray. Mayor Pro Tem Killingsworth attended virtually. Also, in attendance were Town Manager Catherine Crosby, Assistant Town Manager Shawn Purvis, Interim Town Clerk Julie Reid, and Town Attorney Laurie L. Hohe.

CONSENT AGENDA

The Mayor explained that all Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor presented the Consent Agenda to be set prior to taking any action on the following items:

He said item CN7 has been requested to be removed from the consent agenda. A motion was made to approve the amended consent agenda. (Motion: Council Member Gray\Second: Council Member Gantt, Vote: Approved 5-0, with Killingsworth voting virtually).

CN1 Approval of the minutes of the April 12, 2022 meetings of the Regular Town Council Meeting.

CN2 Approval of Wake County Tax Report for the Town of Apex, dated March 1, 2022.

CN3 Approval of amendment to Article VIII “Parking” of Chapter 20 of the Town of Apex Code of Ordinances.

- CN4** Approval to set the Public Hearing for the May 10, 2022 Town Council meeting regarding amendments to the Unified Development Ordinance (UDO) related to the creation of the Downtown Festival District and other associated amendments.
- CN5** Approval to set the Public Hearing for the May 10, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).
- CN6** Approval of and authorizing the Town Manager to sign and execute, the GoApex Agreement with Town of Cary and MV Transportation.
- CN7** Removed from the agenda.
- CN8** Approval to set the Public Hearing for the May 10, 2022 Town Council meeting regarding Rezoning Application #21CZ29 North Salem Station PUD. The applicant, Ana Wadsworth with The Wooten Company, seeks to rezone approximately 10.39 acres from Planned Commercial (PC) & Neighborhood Business (B1) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Candun Dr., 0 Laura Duncan Rd., and 0 N. Salem St.
- CN9** Approval of a Supplemental Agreement with NCDOT for \$10,000,000 in supplemental construction funds toward U-5928, Apex Peakway at South Salem Street and the CSX railroad tracks, and authorizing the Town Manager to execute the agreement on behalf of the Town.
- CN10** Approval of an encroachment agreement between the Town and property owner Dhiraj Adhikari to install a concrete patio that will encroach 61 square feet and a fence that will encroach 34 linear feet onto the Public Drainage Easement and authorizing the Town Manager to execute the same.
- CN11** Adopting a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 10, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the Jessica and Abel Figueroa property containing 5.88 acres located at 804 and 808 Wimberly Road, Annexation #723 into the Town’s corporate limits. This annexation had been re-scheduled previously.
- CN12** Adopting a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 10, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the WFINV, LLC property containing 1.910 acres located at 1016 N. Salem Street, Annexation #730 into the Town’s corporate limits. This annexation had been re-scheduled previously.
- CN13** Adopting a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 10, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the Tony C. Sears and Judy T. Sears property containing 1.6209 acres located at 0 Kelly Road, Annexation #731 into the Town’s corporate limits. This annexation has been re-scheduled previously.

PRESENTATIONS

- PR1** Apex Town Council and Stephanie Mitchell, President of the Apex Public School Foundation awarded the Peak S.T.A.R. Award to Ashley Miller of Oakley Elementary School.

- PR2** Mayor Jacques Gilbert and the Town Council members read a proclamation regarding the "Think Apex Day" and encouraged the community to participate in volunteer activities on that day.
- PR3** Mayor Gilbert and the Town Council read a Foster Care Awareness Month proclamation recognizing those that provide foster care for children in the Town of Apex and recognizing the need for more homes to care for children.
- PR4** Mayor Gilbert and the Town Council read a Public Service Recognition Week Proclamation. He thanked the federal, State, county and Town of Apex employees for providing service to the public.
- PR5** Mayor Gilbert and the Town Council read a Civilian Law Enforcement Professionals Week Proclamation recognizing the necessary and valuable services provided.

REGULAR MEETING AGENDA

Mayor Gilbert called for additional Agenda items from Council or Staff and to set the Regular Meeting Agenda prior to Council actions. Mayor Gilbert noted removal of the second closed session from the agenda. (Motion: Council Member Stallings /Second: Council Member Gantt /Vote 5-0, with Mayor Pro Tem voting virtually)

PUBLIC FORUM

The Mayor recognized Phil Welch who wished to express support for the Town's contributions for affordable housing efforts and encouraged the Town Council to continue increase funding for this effort. He expressed the need for additional senior housing.

PUBLIC HEARINGS

- PH1** Planner Lauren Staudenmaier presented rezoning Application #21CZ26 Humie Olive Commercial. The applicant, Jeff Roach, Peak Engineering & Design PLLC., seeks to rezone approximately 7.69 acres from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 0 & 7525 Humie Olive Road. She noted the land was vacant and wooded.

Ms. Staudenmaier asked the Council to note zoning condition ten, the requirement for a 20-foot Greenway easement along the western property line and zoning condition twelve requiring the recordation of a cross-access agreement between the two parcels in the request prior to Site Plan Final Plat. Concern was expressed by the Transportation Planning due to the road configuration creating a poorly aligned "Y" intersection, high volume traffic further aggravated by the proximity of two existing schools and the construction of a third school underway, and the proximity of the development to the intersection of Humie Olive Road and Old US 1 Highway. Cross-access and connectivity would provide safe movement by limiting access onto these two busy roads. The staff requested that the applicant agree to a maximum of one point of full movement access for each road. The applicant has stated they are not willing to agree to this condition.

The Planning Board and Staff support the rezoning, but *only* if they meet the single access condition. Traffic Engineer Russell Dalton noted that all construction and development in this area must be evaluated in addition to this development and anticipating further traffic congestion. He noted additional driveways would require expensive traffic control measures such as medians. He noted existing traffic at this intersection actually exceeds the length of the project frontage. If this agreement is not imposed at this time, each parcel in the rezoning could develop independently and apply for driveway permits, avoiding the need for consideration of the impacts of multiple driveways at this intersection and possible mitigation required.

There was interest in the possible realignment of Humie Olive Road at the time of development. Improvements to this intersection are not scheduled by the Town and NCDOT at this time.

Mayor Gilbert asked the applicant to address the Council. He indicated that they were not necessarily opposed to limiting access, but they did not want to commit to it at this point. They do not know how the property will be developed.

Mayor Gilbert opened the public hearing, there being no requests to speak closed the hearing.

Council Member Gantt made a motion to deny the request. The applicant then asked that the Council to continue the case. Council Member Gantt withdrew the motion. He noted in addition to the traffic issue, he also was concerned about a daycare facility at this location and was concerned about the number of environmental concerns that were not addressed and not agreed to by the applicant. A motion was made to continue the case until May 24, 2022. (Motion: Council Member Mahaffey /Second: Council Member Gantt /Vote 5-0, with Mayor Pro Tem voting virtually)

PH2 Current Planning Manager Amanda Bunce briefed the Council on Rezoning Application #22CZ03 Sweetwater PUD Amendment. The applicant, David Schmidt, ExperienceOne Homes, LLC, seeks to rezone approximately 44.76 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 3233 US 64 Hwy W, 0 Core Banks St, and 1051 & 1075 Newland Ave.

This previously approved development has staged development and construction and had been revised since its original approval. They have asked to have the minimum office space reduced to 55,000 square feet. None of the Environmental Advisory Board's suggested conditions were agreed to or met.

A major revision to the project requested is the requirement for land to be set aside for the improvements to the US 64 interchange. This interchange is shown on both NCDOT and Town of Apex transportation documents and remains an important improvement to the transportation thoroughfare system. A revision allowed temporary use of the land set aside as parking and related facilities like lighting and storm drainage until the right-of-way is purchased. Staff expressed concern that any permanent construction within the set aside area would have to be purchased or redeveloped at the time of road construction and could have a detrimental effect on the ability to get the best design for the interchange. Further, any businesses and citizens in the newly developed area would be adversely impacted.

This condition was agreed to with the original approval of the development and played an important role in the development and approval of the project. The project approval was also the basis for public expenditure to provide services to the development. The developer stated that they only agreed to the condition to move the project forward.

The developer has suggested uses for adjacent property to the reserved property, but the reserved area is also necessary for their new plan to move forward.

Paul Stam, State Conditional Law attorney, for the developer gave the Town Council an overview of their legal position.

A motion was made to go into closed session. (Motion: Council Member Gantt /Second: Council Member Gray /Vote:5-0 with Mayor Pro Tem Killingsworth voting virtually)

A motion was made to go back into regular session. (Motion: Stallings /Second: Gantt /Vote:5-0 with Mayor Pro Tem voting virtually)

The Mayor asked for additional public comment. Hearing none, he closed the public hearing.

There was discussion on whether the NCDOT has a time line for the construction of US 64. Staff indicated it was not on the 10-year plan. A motion was made to continue the case until the June 14, 2022 Regular Council meeting. (Motion: Council Member Gray /Second: Council Member Gantt /Vote:4-1 with Mayor Pro Tem affirmatively voting virtually, Council Member Gantt voting against)

PH3 The staff requested this case, #22CZ04, be continued to the May 24, 2022. A motion was made to continue this case to the May 24, 2022 Regular Council meeting. (Motion: Council Member Mahaffey /Second: Council Member Gray /Vote:5-0 with Mayor Pro Tem voting virtually)

OLD BUSINESS

There was no old business.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

NB1 Christopher "C.J." Valenzuela, Housing Program Manager, briefed the Town Council to possibly provide financial support to Evergreen Construction Company for the residential affordable housing senior (55 yrs. +) rental project known as Abbey Spring in the form of a loan from the Affordable Housing Fund for permanent financing contingent upon final project

approval, and authorize the Town Manager to execute loan and compliance project documentation. There was discussion of ways to leverage additional funds from all Wake County Communities.

A ten minutes break was held.

A motion was made to approve a loan in the amount of \$500,000 (Motion: Council Member Stallings /Second: Council Member Gray /Vote:5-0 with Mayor Pro Tem voting virtually.)

UPDATES BY TOWN MANAGER

Manager Catherine Crosby talked about the Success of the Earthfest held on the Town Campus. She said it was run well by staff and the community really enjoyed it. She said she was looking forward to more activities being held on the Town Campus.

She wanted to congratulate Belinda in Finance Department for receiving the Peak performer award. She went above and beyond to help a fellow employee and their family. She said this was the example we want to set for our employees for helping fellow workers and for the community.

She reminded the group that Think Apex day is April 30th. She said she would be volunteering at the Habitat for Humanity housing and encouraged everyone to also volunteer in the community.

She also wanted to thank the Town's employees for their service. She said when she started her career she had not been aware of how much was done by public service employees. She said she had discovered it was a meaningful career opportunity. She said how much the employees enjoy providing service to the community.

Happy Birthday to Shawn today and Marty next Friday.

CLOSED SESSION

CS1 A motion was made to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the Town's negotiating position to the acquisition of real property. (Motion: Gantt /Second: Council Member Stallings /Vote 5-0 with Mayor Pro Tem voting virtually.)

WORK SESSION

ADJOURNMENT

There being no further business, the Mayor adjourned the meeting.



Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

SIG HUTCHINSON, CHAIR
SHINICA THOMAS, VICE-CHAIR
VICKIE ADAMSON
MATT CALABRIA
MARIA CERVANIA
SUSAN EVANS
JAMES WEST

May 3, 2022

Ms. Tesa Silver
Interim Town Clerk
Town of Apex
Post Office Box 250
Apex, North Carolina 27502

Dear Ms. Silver:

The Wake County Board of Commissioners, in regular session on May 2, 2022, approved and accepted the enclosed tax report for the Town of Apex.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in black ink that reads "Yvonne Gilyard".

Yvonne Gilyard
Deputy Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)



Wake County Tax Administration

DATE 04/03/2022 TIME 7:54:50 PM PAGE 1

Rebate Details
03/01/2022 - 03/31/2022
APEX

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR FOR TYPE	OWNER
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BUSINESS ACCOUNTS

811151	175.02	0.00	87.51	0.00	262.53	03/21/2022	0006960299	2022	2018	000000	AMERICAN FRONTIER LLC
811152	157.13	0.00	62.85	0.00	219.98	03/21/2022	0006960299	2022	2019	000000	AMERICAN FRONTIER LLC
811153	147.26	0.00	44.18	0.00	191.44	03/21/2022	0006960299	2022	2020	000000	AMERICAN FRONTIER LLC
811155	127.44	0.00	25.49	0.00	152.93	03/21/2022	0006960299	2022	2021	000000	AMERICAN FRONTIER LLC
811890	121.88	0.00	12.19	0.00	134.07	03/29/2022	0006930139	2021	2021	000000	WOOF GANG APEX INC

SUBTOTALS FOR BUSINESS ACCOUNTS 728.73 0.00 232.22 0.00 960.95 5 Properties Rebated

BUSINESS REAL ESTATE ACCOUNTS

809929	5.70	0.00	0.00	0.00	5.70	03/07/2022	0000435433	2020	2020	000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC
809930	5.85	0.00	0.00	0.00	5.85	03/07/2022	0000435433	2021	2021	000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC
809931	5.70	0.00	0.00	0.00	5.70	03/07/2022	0000435434	2020	2020	000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC
809932	5.85	0.00	0.00	0.00	5.85	03/07/2022	0000435434	2021	2021	000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC
809933	5.85	0.00	0.00	0.00	5.85	03/07/2022	0000439037	2021	2021	000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC
809934	5.85	0.00	0.00	0.00	5.85	03/07/2022	0000439038	2021	2021	000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC
809935	5.85	0.00	0.00	0.00	5.85	03/07/2022	0000439039	2021	2021	000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC



REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR FOR TYPE	OWNER
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809928		5.85	0.00	0.00	5.85	03/07/2022	0000435432	2021	2021	0000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC
809927		5.70	0.00	0.00	5.70	03/07/2022	0000435432	2020	2020	0000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC
809925		20.48	0.00	0.00	20.48	03/07/2022	0000435410	2021	2021	0000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC
809924		19.95	0.00	0.00	19.95	03/07/2022	0000435410	2020	2020	0000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC
809922		25.65	0.00	0.00	25.65	03/07/2022	0000435409	2020	2020	0000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC
809923		26.33	0.00	0.00	26.33	03/07/2022	0000435409	2021	2021	0000000	RILEY'S POND HOMEOWNERS ASSOCIATION INC

SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS		144.61	0.00	0.00	144.61		13	Properties Rebated			
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INDIVIDUAL PROPERTY ACCOUNTS

810084		28.69	30.00	0.00	0.00	03/09/2022	0006951899	2022	2021	0000000	TASILLO, MICHAEL JOSEPH
811017		235.69	30.00	0.00	0.00	03/18/2022	0006961458	2022	2021	0000000	THAPA, DHEERAJ
810082		54.64	30.00	0.00	0.00	03/10/2022	0006951711	2022	2021	0000000	TASILLO, MICHAEL JOSEPH
810070		31.44	30.00	0.00	0.00	03/08/2022	0006944984	2022	2021	0000000	NIELSEN, ASHLEY GENGLER
809956		130.26	30.00	0.00	0.00	03/07/2022	0006937407	2021	2020	0000000	MOHANLAL, ALOKE
809955		22.17	30.00	0.00	0.00	03/07/2022	0006937656	2021	2020	0000000	MOHANLAL, ALOKE
810083		52.12	30.00	0.00	0.00	03/10/2022	0006951474	2022	2021	0000000	TASILLO, MICHAEL JOSEPH



Wake County Tax Administration

DATE 04/03/2022 TIME 7:54:55 PM PAGE 3

Rebate Details
03/01/2022 - 03/31/2022
APEX

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING FOR TYPE	OWNER
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INDIVIDUAL PROPERTY ACCOUNTS

811282	56.84	30.00	0.00	0.00	86.84	03/22/2022	0006957696	2022	2021	000000	DHANGDHARIYA, CHINTAN JITENDRAKUMAR
811516	301.38	30.00	0.00	0.00	331.38	03/24/2022	0006962039	2022	2021	000000	ADIREDDI, RAVI KUMAR
811279	63.95	0.00	0.00	0.00	63.95	03/22/2022	0006957696	2022	2021	000000	DHANGDHARIYA, CHINTAN JITENDRAKUMAR

SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS 977.18 270.00 0.00 0.00 1,247.18 10 Properties Rebated

WILDLIFE BOAT ACCOUNTS

811639	183.43	0.00	18.34	0.00	201.77	03/25/2022	0004194978	2021	2021	000000	COOLING, KEVIN CLARENCE
811896	81.67	0.00	8.17	0.00	89.84	03/29/2022	0004194420	2021	2021	000000	HARLING, ANDREA FRANCINE
811637	40.47	0.00	4.05	0.00	44.52	03/25/2022	0004200625	2021	2021	000000	COATS, BRADLEY WELLS

SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS 305.57 0.00 30.56 0.00 336.13 3 Properties Rebated

TOTAL REBATED FOR APEX 2,156.09 270.00 262.78 0.00 2,688.87 31 Properties Rebated for City

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Julie Reid, Interim Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve the Apex Tax Report dated April 3, 2022.

Approval Recommended?

Yes

Item Details

At the regular meeting held on May 2, 2022, the Wake County Board of Commissioners approved the Apex Tax Report dated April 3, 2022.

Attachments

- Tax Report



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: April 25, 2022

Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal Department

Requested Motion

Motion to approve 3 year contract renewal with LexisNexis.

Approval Recommended?

Yes

Item Details

LexisNexis subscription is used for legal research by Legal Services

Attachments

- Subscription Agreement
- Agreement Addendum



“Subscriber” Name: Town Of Apex
--

Account Number: 10000339D

“LN”: LexisNexis, a division of RELX Inc.
--

1. Subscription Agreement

LexisNexis, a division of RELX Inc. (“LN”) grants Subscriber a non-exclusive, non-transferable limited license to access and use Lexis® and the materials available therein (“Materials”) pursuant to terms set forth in the LexisNexis General Terms and Conditions (“General Terms”) and the pricing set forth in the Price Schedule (“Price Schedule”) (the General Terms together with the Price Schedule is collectively referred to as the “Subscription Agreement”), both of which are incorporated herein by reference. Subscriber may view and print the Subscription Agreement at: <https://www.lexisnexis.com/en-us/terms/GovtAcademic/terms.page>.

2. Certification

2.1. Subscriber certifies that the number of government professionals in Subscriber’s organization is as set forth below. A “Government Professional User” is defined as an attorney, judge, librarian, researcher, investigator or analyst who is employed by the Subscriber.

Number of Government Professional Users:	3
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2.2. A “Support Staff User” is defined as a person who supports the Government Professional User, including, but not limited to: paralegals, interns, legal secretaries or other administrative support members. 3 ID’s may be issued to support staff for each Government Professional User accounted for above.

Number of Support Staff Users:	3
---------------------------------------	----------

2.3. Each LN ID must be issued for individual use by the Government Professional User or Support Staff User.

2.4. If Subscriber, at the time of signing this Agreement has 11 or more Government Professional Users, then Subscriber is required to notify LN if the number of Government Professional Users falls below 11. Subscriber shall, within 30 days of the staffing change, notify LN in writing.

2.5. Subscriber acknowledges that the pricing and menus provided to Subscriber in this Agreement depend in part on the number of Government Professional Users in Subscriber’s organization. Subscriber certifies that as of the date Subscriber signs this Agreement there are the number of Government Professional Users in Subscriber’s organization (the “Reference Number”) as Subscriber has specified above.

- i. At LN’s request from time to time, Subscriber will certify in writing the then-current Reference Number.
- ii. If there is a change in the Reference Number during the Term, LN may, in its sole discretion on at least 30 days prior written notice to Subscriber, increase or decrease the Monthly Commitment by an amount that does not exceed, on a percentage basis, the change in the Reference Number.

3. Lexis Product and Charges

3.1. This Section 3 amends the Subscription Agreement with respect to the Lexis product offering described below. The Term of Subscriber’s commitment for the Lexis product offering will begin upon the date Subscriber’s billing account (“Account Number”) is activated (“Activation”) and will continue for the last period set forth in Section 3.5 below (the “Initial Term”).

3.2. This Agreement commences on the Effective Date and continues for the Initial Term designated in Section 3.5; provided, that, after the Initial Term, this Agreement shall automatically renew for successive one-year renewal terms (each, a “Renewal Term”), unless either Party provides written notice of non-renewal at least thirty (30) days’ prior to the expiration of the then-current Initial Term or Renewal Term, as the case may be. “Term” means, collectively, the Initial Term and all Renewal Terms.

3.3. Commencing at the Renewal Term (defined in Section 3.2), at each anniversary of the Effective Date, LN shall increase all recurring fees by seven point five per cent (7.5%) per Contract Year.

3.4. Subscriber may not terminate this Agreement for convenience under General Terms during the Term. Notwithstanding the foregoing, Subscriber may terminate this Agreement during the Term for a material breach by LN that remains uncured for more than 30 days after LN receives written notice from Subscriber identifying a specific breach.

If Subscriber terminates this Agreement pursuant to this Section, then Subscriber will pay all charges incurred up to the date of termination.

Lexis Content & Features		
Product	SKU Number	Number of Users
Core Public Records with Smartlinx Person, Business and Location Reports	1004801	3
Zoning and Land Use Controls Analytical	1010004	3
Governments Analytical	1534463	3
National Primary Enhanced	1011511	3
NC LexisNexis Forms	1011920	3
Municipal Litigation Reporter	1011962	3
NC Practice Library	1012234	3

3.5. In exchange for access to the Lexis Content, Feature and/or Service set forth in Section 3.1 above, Subscriber will pay to LN the following amount (the “Monthly Commitment”) during the periods set forth below.

Initial Term	Monthly Commitment
5/1/2022 - 4/30/2023	\$829
5/1/2023 - 4/30/2024	\$863
5/1/2024 - 4/30/2025	\$898

3.6. During the Term, LN may make content and features available to Subscriber that are not included in the Lexis Content described above which will be offered to Subscriber at an additional charge (“Alternate Materials”). Subscriber will be under no obligation to access and use the Alternate Materials, or to incur additional fees beyond the Monthly Installment. If Subscriber elects to access the Alternate Materials by initialing below, Subscriber will be notified that additional charges will apply before the Alternate Materials is displayed. If Subscriber proceeds to access the Alternate Materials, Subscriber will pay the then current, transactional charge(s) for the Alternate Materials that is displayed at the time of access.

_____ **Subscriber elects access to the Alternate Materials**

(Initial)

3.7. Use of Lexis under this Agreement is available to Subscriber and its Authorized Users (defined in the General Terms).

3.8. LN may temporarily suspend access to Lexis until all unpaid amounts are paid in full. No claims directly or indirectly related to this Agreement with respect to amounts billed or payments made under this Agreement may be initiated by Subscriber more than 6 months after such amounts were first billed to Subscriber.

4. Closed Offer

The prices and other terms are subject to change if Subscriber has not submitted a signed original or copy on or before _____.

5. Confidential Information

Subject to any state open records or freedom of information statutes, this Agreement contains confidential pricing information of LN. Subscriber understands that disclosure of the pricing information contained herein could cause competitive harm to LN, and will receive and maintain this Agreement in trust and confidence and take reasonable precautions against such disclosure to any third person. This Section 5 will survive the termination or expiration of this Agreement.

6. Support and Training

During the Term, Subscriber, with the support of LN, agrees to encourage the effective use of Lexis through:

- (a) Meaningful participation in additional ongoing programs presented by LN to update and train Authorized Users;
- (b) Authorize the periodic distribution of memos or other communications by LN and/or Subscriber to Authorized Users; and
- (c) The periodic review with LN of Subscriber's Authorized User's use of materials and training under this Agreement.

7. Miscellaneous

7.1. This Agreement does not bind either party until it has been accepted by both parties. Subscriber may accept this Agreement by signing below. LN will accept this Agreement by providing Subscriber with access to Lexis or by signing below.

7.2. If Subscriber issues a purchase order in connection with the Agreement, Subscriber acknowledges and agrees that the purchase order shall be for Subscriber's internal purposes only and shall not modify or affect any of the other terms or conditions for access to the Online Services.

LEXISNEXIS WILL NOT ACCEPT ANY CHANGES, CORRECTIONS OR ADDITIONS TO THIS AGREEMENT UNLESS SUCH CHANGES ARE EXPRESSLY ACCEPTED BY LN IN WRITING. SUCH CHANGES WILL HAVE NO LEGAL EFFECT.



**LEXIS® SUBSCRIPTION AGREEMENT
FOR STATE/LOCAL GOVERNMENT**
(NEW SUBSCRIBER-AAR)

AGREED TO AND ACCEPTED BY:

Subscriber: Town Of Apex
[MUST BE COMPLETED BY SUBSCRIBER]
Authorized Subscriber Signature: _____
Printed Name: _____
Job Title: _____
Date: _____
Number of Professional Users: 3

LexisNexis, a division of RELX Inc.

[COMPLETED BY LEXISNEXIS]

Authorized Signature: _____
Name: _____
Job Title: _____
Date: _____

CUSTOMER INFORMATION (Please type or print):	
Organization Name: (Full Legal Name)	Town Of Apex
Billing Frequency:	<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Annually
Physical Address	
Street Address:	on file
City:	
State:	
Zip:	
County:	
Telephone:	
Fax:	
Parent Company: (if applicable)	

TYPE OF ORGANIZATION	
<input type="checkbox"/> Legislative <input type="checkbox"/> Judicial <input type="checkbox"/> Executive	
Professional User: _____	Practicing Area of Law: _____
Support Staff: _____	Employer Identification Number: _____
Bar No: _____	Issuing State: _____
Date Issued/Expiration Date: _____	Organization Web Address: _____
Tax Exempt: <input checked="" type="checkbox"/> Yes (attach Sales Tax Exemption Certificate) <input type="checkbox"/> No	MSA: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Tax ID No: _____	State Contract No: (If applicable) PO No: (If applicable)

CONTACTS			
	Name	Telephone	Email
Installation:	on file		
Billing:	on file		
Policy/Legal Notification:	on file		
Scheduling/Training:	on file		

	Name	Telephone
Super Admin:	on file	
	Email	IP Address

CUSTOMER ID INFORMATION (Please type or print)
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**LEXIS® SUBSCRIPTION AGREEMENT
FOR STATE/LOCAL GOVERNMENT**
(NEW SUBSCRIBER-AAR)

ID Holders' Names (additional sheet attached <input type="checkbox"/>)	ID Holders' Titles/Positions	ID Holders' Email Addresses	Location/Address
on file			

This Agreement Addendum (this “Addendum”) amends and supplements the terms of the Online Services Agreement between LexisNexis, a division of RELX Inc. (“LN”) and Town Of Apex, a city, state, county or other local government agency (“Subscriber”). The Agreement shall consist of Subscriber’s agreement (the “Subscriber Contract”), if applicable, the LexisNexis General Terms and Conditions viewable at www.lexisnexis.com/terms/general (the “General Terms”), together with any other LexisNexis contract proposals or other contract documents, all of which are incorporated into the Agreement by reference and made a part hereof (collectively the “Agreement”).

1. **Term.** The term of this Addendum shall be coterminous with the Agreement.
2. **Governing Law; Applicable Law.** Notwithstanding anything to the contrary in the Agreement, the Agreement shall be governed by the law of the U.S. State in which Subscriber is located. LN agrees to comply with all applicable laws of Subscriber’s State in the performance of its obligations under the Agreement. For the avoidance of doubt, the law of the U.S. State shall not be construed to apply any tribal law.
3. **Indemnity; Liquidated Damages.** Any provision in the Agreement requiring Subscriber to indemnify and hold LN harmless is deleted and replaced with a provision that requires Subscriber to be responsible for a breach of this Agreement solely to the extent permissible under State law. Any provision in the Agreement requiring LN to indemnify Subscriber is deleted and replaced with the indemnification provision in the General Terms. Any provision providing for the payment of liquidated or cover damages is deleted.
4. **Contract Amendment.** All amendments, modifications, alterations or changes to the Agreement (excluding the General Terms which may be revised as set forth therein), shall be in writing and signed by both parties.
5. **Miscellaneous.**
 - 5.1 Except as expressly modified by this Addendum, all other terms and conditions of the Agreement will remain in full force and effect and will be unaffected by this Addendum.
 - 5.2 If Subscriber issues a purchase order in connection with the Agreement, Subscriber acknowledges and agrees that the purchase order shall be for Subscriber’s internal purposes only and shall not modify or affect any of the other terms or conditions for access to the Online Services.
 - 5.3 In the event of a conflict between the terms of the Agreement and this Addendum, this Addendum will control. In the event of a conflict between the various contract documents that comprise the Agreement, such conflicts shall be resolved in the following order: the General Terms shall control with regard to access and use of the Online Services, for all other purposes, the order of precedence shall be this Addendum, the Subscriber Contract, and then any other LN contract documents.

LN’s acceptance of the terms of this Addendum shall be evidenced by its signature below or by providing Subscriber with access to the Online Services.

AGREED TO AND ACCEPTED BY:

Subscriber: Town Of Apex
[MUST BE COMPLETED BY SUBSCRIBER]
Authorized Subscriber Signature:
Printed Name: _____
Job Title: _____
Date: _____

LexisNexis, a division of RELX Inc.

[COMPLETED BY LEXISNEXIS]

Authorized Signature:
Name: _____
Job Title: _____
Date: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to set the Public Hearing concerning the proposed Fiscal Year 2022-2023 Budget including expenditures for Economic Development (pursuant to NCGS 158-7.1), for Tuesday, May 24, 2022 at 6:00 p.m. at the Apex Town Hall.

Approval Recommended?

Yes

Item Details

We are required to hold a public hearing to receive comments regarding the proposed budget, including expenditures for Economic Development (pursuant to NCGS 158-7.1), for the coming fiscal year that begins on July 1, 2022. The proposed budget and budget message will be posted to the Town's website and available for inspection in the office of the Town Clerk at least 10 days prior to the hearing.

Attachments

- Budget Public Hearing Notice





Town of Apex

PO Box 250 | 73 Hunter Street | Apex, NC 27502
919-249-3400 | www.apexnc.org

Public Notice

Town of Apex Fiscal Year 2022-2023 Budget Hearing

The public will take notice that the Apex Town Council will hold a Public Hearing concerning the proposed FY 2022-2023 Annual Budget on Tuesday, May 24, 2022 at 6:00 p.m. in the Council Chamber at Apex Town Hall, 73 Hunter Street. A copy of the proposed Budget is available for public inspection on the Town's website at www.apexnc.org/budget or in the Town Clerk's Office. Citizens are invited to attend this Public Hearing and provide written or oral comments. The proposed Budget is summarized as follows:

General Fund	88,934,300
Electric Fund	47,666,000
Water/Sewer Fund	26,664,100
Other/Special Funds	11,459,800
TOTAL	\$174,724,200

The proposed Budget as presented includes an increase of \$.009 in the ad valorem tax rate to \$0.399 per \$100 valuation. There are proposed changes to the electric, water, sewer and solid waste rates.

Included in the Annual Budget will be information regarding the appropriation of funds for economic development purposes designed to increase employment opportunities and add value to the tax base for the Town of Apex through industry recruitment, retention, and other support activities. Pursuant to NCGS 158-7.1, notice is hereby given that said information will be a part of the Annual Budget Public Hearing of the Apex Town Council for the purpose of soliciting comments relative to the following monetary appropriations for economic development purposes:

Economic Development:

Personnel Salaries, Expenses and Benefits:	\$462,100
Operations, Training, Supplies and Equipment:	\$101,700
Professional Services - Potential site development:	\$32,000
Economic Incentives	\$35,000
Co-Working Space (lease and utility charges):	\$18,600
Special Programs – Initiative to promote local spending & awareness:	\$10,000
TOTAL	\$659,400

Questions can be directed to:

Amanda Grogan, Budget & Performance Manager

Amanda.grogan@apexnc.org, 919.249.1168

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Vance Holloman, Finance Director

Department(s): Finance Department

Requested Motion

Motion to approval the contract for audit services for the 2022 fiscal year with Cherry Bekaert LLP of Raleigh, North Carolina.

Approval Recommended?

Yes

Item Details

. The audit contract is prepared in the format required by the Local Government Commission. Fiscal year 2021 was Cherry Bekaert's first year as the Town's auditor. The audit went well and staff recommends the contract for the 2022 fiscal year be awarded to Cherry Bekaert. The fee for the audit will be \$55,250.

Attachments

- 2022 Audit Contract
- 2022 Engagement Letter



The of and	Governing Board Town Council
	Primary Government Unit Town of Apex, North Carolina
	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Cherry Bekaert LLP
	Auditor Address 3800 Glenwood Avenue, Suite 200, Raleigh, NC 27612

Hereinafter referred to as Auditor

for	Fiscal Year Ending	Audit Report Due Date
	06/30/22	10/31/22

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.
2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.
- If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitted-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name: Vance Holloman	Title and Unit / Company: Finance Officer	Email Address: vance.holloman@apexnc.org
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OR Not Applicable (Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	Town of Apex, North Carolina
Audit Fee	\$ 55,250 (including single audit of 2 major programs)
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ 4,000 - 5,000 for each major program tested in excess of 2, dep ⁺
Writing Financial Statements	\$ N/A
All Other Non-Attest Services	\$ N/A
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$ 32,250.00

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit Fee	\$ N/A
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ N/A
Writing Financial Statements	\$ N/A
All Other Non-Attest Services	\$ N/A
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Cherry Bekaert LLP	
Authorized Firm Representative (typed or printed)* April Adams	Signature* <i>April Adams</i>
Date* 04/28/22	Email Address* aadams@cbh.com

GOVERNMENTAL UNIT

Governmental Unit* Town of Apex, North Carolina	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S. 159-34(a) or G.S. 115C-447(a))	
Mayor/Chairperson (typed or printed)*	Signature*
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed) Vance Holloman	Signature*
Date of Pre-Audit Certificate*	Email Address* vance.holloman@apexnc.org

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU* N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)* N/A	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.

PRINT

April 28, 2022

VIA EMAIL:

vance.holloman@apexnc.org

Mr. Vance Holloman, Finance Director
Town of Apex
73 Hunter Street
P.O. Box 250
Apex, NC 27502

Dear Vance:

This engagement letter between Town of Apex (hereafter referred to as the “Town” or “you” or “your” or “management”) and Cherry Bekaert LLP (the “Firm” or “Cherry Bekaert” or “we” or “us” or “our”) sets forth the nature and scope of the services we will provide, the Town’s required involvement and assistance in support of our services, the related fee arrangements, and other Terms and Conditions, which are attached hereto and incorporated by reference, designed to facilitate the performance of our professional services and to achieve the mutually agreed-upon objectives of the Town.

Summary of services

We will provide the following services to the Town as of and for the year ended June 30, 2022:

Audit and attestation services

1. We will audit the basic financial statements of the Town as of and for the year ended June 30, 2022 including the governmental activities, the business type activities, each major fund and the remaining fund information, including the related disclosures.
2. We will audit the schedule of expenditures of federal and state awards. As part of our engagement we will apply certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America.
3. We will audit the combining and individual fund statements and schedules, budgetary schedules, and other schedules. As part of our engagement, we will apply certain procedures, including comparing and reconciling such information directly to underlying accounting and other records used to prepare the financial statements themselves and other additional procedures in accordance with auditing standards generally accepted in the United States of America.
4. The supplementary information, such as the introductory and statistical sections accompanying the financial statements, will not be subjected to the auditing procedures applied in our audit of the financial statements and our auditor’s report will not provide an opinion or any assurance on that information.

5. We will apply limited procedures to the required supplementary information (RSI), such as management's discussion and analysis (MD&A), the Law Enforcement Officers' Special Separation Allowance, the Local Governmental Employees' Retirement System, and the Other Post-Employment Benefits, which will consist of inquiries of Town's Management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the financial statements.

Nonattest accounting and other services

We will provide the following additional services:

1. Complete the appropriate sections of and sign the Data Collection Form.

Your expectations

Our services plan, which includes our audit plan, is designed to provide a foundation for an effective, efficient, and quality-focused approach to accomplish the engagement objectives and meet or exceed the Town's expectations. Our services plan will be reviewed with you periodically and will serve as a benchmark against which you will be able to measure our performance. Any additional services that you may request, and that we agree to provide, will be the subject of separate written arrangements.

The Town recognizes that our professional standards require that we be independent from the Town in our audit of the Town's financial statements and our accompanying report in order to ensure that our objectivity and professional skepticism have not been compromised. As a result, we cannot enter into a fiduciary relationship with the Town and the Town should not expect that we will act only with due regard to the Town's interest in the performance of this audit, and the Town should not impose on us special confidence that we will conduct this audit with only the Town's interest in mind. Because of our obligation to be independent of the Town, no fiduciary relationship will be created by this engagement or audit of the Town's financial statements.

The engagement will be led by April Adams, who will be responsible for assuring the overall quality, value, and timeliness of the services provided to you.

Audit and attestation services

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the provisions of Uniform Guidance; the Single Audit Act Amendments of 1996; State Single Audit Implementation Act and OMB *Guidance for Grants and Agreements* (2 CFR 200). The objective of our audit is to obtain reasonable assurance about whether the Town's basic financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditor's report that includes our opinions about whether the Town's basic financial statements are presented fairly, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the additional information referred to in the Summary of Services section when considered in relation to the basic financial statements taken as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from

fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements in conformity with the basis of accounting noted above. The objective also includes reporting on:

- Internal control over financial reporting and compliance with the provisions of applicable laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and *Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (“Uniform Guidance”), and the State Single Audit Implementation Act.

Auditor’s responsibilities for the audit of the financial statements

We will conduct our audit in accordance with GAAS and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of accounting records, a determination of major programs in accordance with Uniform Guidance and the State Single Audit Implementation Act, and other procedures as deemed necessary to enable us to express such opinions about whether the financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America (“GAAP”). We will also:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Obtain an understanding of the Town and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risk, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstance, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for a reasonable period of time.

Nonattest accounting and other services

In connection with any of the audit, accounting, or other services noted below, we will provide a copy of all schedules or other support for you to maintain as part of your books and records supporting your basic financial statements. You agree to take responsibility for all documents provided by Cherry Bekaert and will retain copies based on your needs and document retention policies. By providing these documents to you, you confirm that Cherry Bekaert is not responsible for hosting your records or maintaining custody of your records or data and that Cherry Bekaert is not providing business continuity or disaster recovery services. You confirm you are responsible for maintaining internal controls over your books and records including business continuity and disaster recovery alternatives. In addition, any documents provided to Cherry Bekaert by the Town in connection with these services will be considered to be copies and will not be retained by Cherry Bekaert after completion of the accounting and other services. You are expected to retain anything you upload to a Cherry Bekaert portal and are responsible for downloading and retaining anything we upload in a timely manner. Portals are only meant as a method of transferring data, are not intended for the storage of client information, and may be deleted at any time. You are expected to maintain control over your accounting systems to include the licensing of applications and the hosting of said applications and data. We do not provide electronic security or back-up services for any of your data or records. Giving us access to your accounting system does not make us hosts of information contained within.

The accounting and other services described in this section are nonaudit services, which do not constitute audit services under *Government Auditing Standards*, and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming Town's management responsibilities.

In conjunction with providing these accounting and other services, we may use third party software or templates created by Cherry Bekaert for use on third party software. Management expressly agrees that the Town has obtained no rights to use such software or templates and that Cherry Bekaert's use of the Town's data in those applications is not deemed to be hosting, maintaining custody, providing business continuity, or disaster recovery services.

Accounting services

We will advise Town's management about the application of appropriate accounting principles, and may propose adjusting journal entries to the Town's financial statements. The Town's management is responsible for reviewing the entries and understanding the nature of

any proposed entries and the impact they have on the Town's financial statements. If, while reviewing the journal entries, the Town's management determines that a journal entry is inappropriate, it will be the Town's management's responsibility to contact us to correct it.

Data collection form

We will complete the appropriate sections of and sign the Data Collection Form that summarizes our audit findings. We will provide copies of our reports to the Town; however, it is the Town's management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal and state awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the designated federal audit clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period.

Town's management responsibilities related to accounting and other services

For all nonattest services we perform in connection with the engagement, you are responsible for designating a competent employee to oversee the services, make any management decisions, perform any management functions related to the services, evaluate the adequacy of the services, retain relevant copies supporting your books and records, and accept overall responsibility for the results of the services.

Prior to the release of the report, the Town's management will need to sign a representation letter acknowledging its responsibility for the results of these services, and acknowledging receipt of all appropriate copies.

Town's management responsibilities related to the audit

The Town's management is responsible for (1) designing, implementing, and maintaining internal controls, including internal controls over federal and state awards, and for evaluating and monitoring ongoing activities, relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, and to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that the Town's management and financial information is reliable and properly reported.

The Town's management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal and state awards and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationship in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

The Town's management is responsible for making all financial records and related information available to us, including additional information that is requested for purposes of the audit (including information from outside of the general and subsidiary ledgers), and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which it is aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance and the State Single Audit Implementation Act, (3) additional information that we may request for the purpose of the audit and (4) unrestricted access to persons within the Town from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the Town involving (1) the Town's management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the Town received in communications from employees, former employees, grantors, regulators, or other. In addition, you are responsible for identifying and ensuring that the Town complies with applicable laws, regulations contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, or grant agreements that we report. Additionally, as required by the Uniform Guidance and the State Single Audit Implementation Act, it is the Town's management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal and state awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan.

The Town's management is responsible for identifying all federal and state awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal and state awards (including notes and noncash assistance received, and COVID-19 related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance and the State Single Audit Implementation Act. You agree to include our report on the schedule of expenditures of federal and state awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal and state awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal and state awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal and state awards in accordance with the Uniform Guidance and the State Single Audit Implementation Act, (2) you believe the schedule of expenditures of federal and state awards, including its form and content, is stated fairly in accordance with the Uniform Guidance and the State Single Audit Implementation Act, (3) the methods of

measurement or presentation have not changed from those used in the prior period or, if they have changed, the reasons for such changes), and (4) the Town has disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal and state awards.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP, (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP, (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes), and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

The Town's management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. The Town's management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the *Audit and attestation services* section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing Town's management views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

The Town's management agrees to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal and state awards and disclosures, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal and state awards, and disclosures, and that you have reviewed and approved the financial statements, schedule of expenditures of federal and state awards, and disclosures prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Reporting

Our report will be addressed to Town Council of the Town. Circumstances may arise in which our report may differ from its expected form and content based on the result of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinion or add emphasis-of-matter or other-matter paragraphs to our auditor's report, or if necessary, withdraw from this engagement. If our opinion is other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also issue written reports upon completion of our Single Audit. The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the Town's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance and the State Single Audit Implementation Act report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance and the State Single Audit Implementation Act. Both reports will state that the report is not suitable for any other purpose.

Indemnification for known misrepresentations

The Firm will rely on the Town's management providing the above noted representations to us, both in the planning and performance of the audit, and in considering the fees that we will charge to perform the audit.

Fees

The estimated fees contemplate only the services described in the Summary of Services section of this letter. You may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with you concerning the scope of the additional services and the estimated fees. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter. If the Town's management requests additional services not listed above, we will provide an estimate of those fees prior to commencing additional work.

The following summarizes the fees for the services described above:

Description of services	Estimated fee
Audit services	
Audit of the financial statements, including single audit of 2 major programs	\$ 55,250
Audit of each additional single audit program beyond two, if applicable	\$4,000 – 5,000 per program, depending on complexity

The fees will be billed periodically. Invoices are due on presentation. A service charge will be added to past due accounts equal to 1½% per month (18% annually) on the previous month's balance less payments received during the month, with a minimum charge of \$2.00 per month.

If the foregoing is in accordance with your understanding, please sign a copy of this letter in the space provided and return it to us. No change, modification, addition, or amendment to this letter shall be valid unless in writing and signed by all parties. The parties agree that this letter may be electronically signed and that the electronic signatures will be deemed to have the same force and effect as handwritten signatures.

If you have any questions, please call April Adams at 919.782.1040.

Sincerely,

CHERRY BEKAERT LLP



ATTACHMENT – Engagement Letter Terms and Conditions

TOWN OF APEX

ACCEPTED BY: _____

TITLE: _____ DATE: _____

Cherry Bekaert LLP Engagement Letter Terms and Conditions

The following terms and conditions are an integral part of the attached engagement letter and should be read in their entirety in conjunction with your review of the letter.

Limitations of the audit report

Should the Town wish to include or incorporate by reference these financial statements and our report thereon into *any* other document at some future date, we will consider granting permission to include our report into another such document at the time of the request. However, we may be required by generally accepted auditing standards (“GAAS”) to perform certain procedures before we can give our permission to include our report in another document such as an annual report, private placement, regulator filing, official statement, offering of debt securities, etc. You agree that the Town will not include or incorporate by reference these financial statements and our report thereon, or our report into any other document without our prior written permission. In addition, to avoid unnecessary delay or misunderstandings, it is important to provide us with timely notice of your intention to issue any such document.

Limitations of the audit process

In conducting the audit, we will perform tests of the accounting records and such other procedures as we consider necessary in the circumstances to provide a reasonable basis for our opinion on the financial statements. We also will assess the accounting principles used and significant estimates made by the Town’s management, as well as evaluate the overall financial statement presentation.

Our audit will include procedures designed to obtain reasonable assurance of detecting misstatements due to errors or fraud that are material to the financial statements. Absolute assurance is not attainable because of the nature of audit evidence and the characteristics of fraud. For example, audits performed in accordance with GAAS are based on the concept of selective testing of the data being examined and are, therefore, subject to the limitation that material misstatements due to errors or fraud, if they exist, may not be detected. Also, an audit is not designed to detect matters that are immaterial to the financial statements. In addition, an audit conducted in accordance with GAAS does not include procedures specifically designed to detect illegal acts having an indirect effect (e.g., violations of fraud and abuse statutes that result in fines or penalties being imposed on the Town) on the financial statements.

Similarly, in performing our audit we will be aware of the possibility that illegal acts may have occurred. However, it should be recognized that our audit provides no assurance that illegal acts generally will be detected, and only reasonable assurance that illegal acts having a direct and material effect on the determination of financial statement amounts will be detected. We will inform you with respect to errors and fraud, or illegal acts that come to our attention during the course of our audit unless clearly inconsequential. In the event that we have to consult with the Town’s counsel or counsel of our choosing regarding any illegal acts we identify, additional fees incurred may be billed to the Town. You agree that the Town will cooperate fully with any procedures we deem necessary to perform with respect to these matters.

We will issue a written report upon completion of our audit of the Town's financial statements. If, for any reason, we are unable to complete the audit, or are unable to form, or have not formed an opinion on the financial statements, we may decline to express an opinion or decline to issue a report as a result of the engagement. We will notify the appropriate party within your organization of our decision and discuss the reasons supporting our position.

Audit procedures – general

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve professional judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by the Town's management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Town or to acts by the Town's management or employees acting on behalf of the Town. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits, nor do they expect auditors to provide reasonable assurance of detecting waste and abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control there is an unavoidable risk that some material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of the Town's management of any material errors, fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditor is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, funding sources, creditors and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal and state awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit procedures – internal controls

Our audit will include obtaining an understanding of the Town and its environment, including internal controls relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and

perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinion(s). The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control, including cybersecurity, and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance and the State Single Audit Implementation Act, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance and the State Single Audit Implementation Act.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to the Town's management and those charged with governance internal control related matters that are required to be communicated under American Institute of Certified Public Accountants ("AICPA") professional standards, *Government Auditing Standards*, and the Uniform Guidance and the State Single Audit Implementation Act.

Audit procedures - compliance

As part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of the Town's compliance with provisions of applicable laws and regulations, contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance and the State Single Audit Implementation Act requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal and state awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the Town's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on the Town's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance and the State Single Audit Implementation Act.

Nonattest services (if applicable)

All nonattest services to be provided in the attached engagement letter (if applicable) shall be provided pursuant to the AICPA Code of Professional Conduct. The AICPA Code of Professional Conduct requires that we establish objectives of the engagement and the services to be performed, which are described under nonattest services in the attached letter.

You agree that the Town's designated individual will assume all the Town's management responsibilities for the nonattest services we provide; oversee the services by designating an individual, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them. In order to ensure we provide such services in compliance with all professional standards, the designated individual is responsible for:

- Making all financial records and related information available to us
- Ensuring that all material information is disclosed to us
- Granting unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence
- Identifying and ensuring that such nonattest complies with the laws and regulations

The accuracy and appropriateness of such nonattest services shall be limited by the accuracy and sufficiency of the information provided by the Town's designated individual. In the course of providing such nonattest services, we may provide professional advice and guidance based on knowledge of accounting, tax and other compliance, and of the facts and circumstances as provided by the Town's designated individual. Such advice and guidance shall be limited as permitted under the AICPA Code of Professional Conduct.

Communications

At the conclusion of the audit engagement, we may provide the Town's management and those charged with governance a letter stating any significant deficiencies or material weaknesses which may have been identified by us during the audit and our recommendations designed to help the Town make improvements in its internal control structure and operations related to the identified matters discovered in the financial statement audit. As part of this engagement, we will ensure that certain additional matters are communicated to the appropriate members of the Town. Such matters include (1) our responsibilities under GAAS, (2) the initial selection of and changes in significant accounting policies and their application, (3) our independence with respect to the Town, (4) the process used by Town's management in formulating particularly sensitive accounting estimates and the basis for our conclusion regarding the reasonableness of those estimates, (5) audit adjustments, if any, that could, in our judgment, either individually or in the aggregate be significant to the financial statements or our report, (6) any disagreements with the Town's management concerning a financial accounting, reporting, or auditing matter that could be significant to the financial statements, (7) our views about matters that were the subject of the Town's management's consultation with other accountants about auditing and accounting matters, (8) major issues that were discussed with the Town's management in connection with the retention of our services, including, among other matters, any discussions regarding the application of accounting principles and auditing standards, and (9) serious difficulties that we encountered in dealing with the Town's management related to the performance of the audit.

Other matters

Access to working papers

The working papers and related documentation for the engagement are the property of the Firm and constitute confidential information. We have a responsibility to retain the documentation for a period of time to satisfy legal or regulatory requirements for records retention. It is our policy to retain all workpapers and client information for seven years from the date of issuance of the report. It is our policy to retain emails and attachments to emails for a period of 12 months, except as required by any governmental regulation. Except as discussed below, any requests for access to our working papers will be discussed with you prior to making them available to requesting parties. Any parties seeking voluntary access to our working papers must agree to sign our standard access letter.

We may be requested to make certain documentation available to regulators, governmental agencies (e.g., SEC, PCAOB, HUD, DOL, etc.), or their representatives ("Regulators") pursuant to law or regulations. If requested, access to the documentation will be provided to the Regulators. The Regulators may intend to distribute to others, including other governmental agencies, our working papers and related documentation without our knowledge or express permission. You hereby acknowledge and authorize us to allow Regulators access to and copies of documentation as requested. In addition, our Firm, as well as all other major accounting firms, participates in a "peer review" program covering our audit and accounting practices as required by the AICPA. This program requires that once every three years we subject our quality assurance practices to an examination by another accounting firm. As part of the process, the other firm will review a sample of our work. It is possible that the work we perform for the Town may be selected by the other firm for their review. If it is, they are bound by professional standards to keep all information confidential. If you object to having the work we do for you reviewed by our peer reviewer, please notify us in writing.

Electronic transmittals

During the course of our engagement, we may need to electronically transmit confidential information to each other, within the Firm, and to other entities engaged by either party. Although email is an efficient way to communicate, it is not always a secure means of communication and thus, confidentiality may be compromised. As an alternative, we recommend using our Client Portal ("Portal") to transmit documents. Portal allows the Town, us, and other involved entities to upload and download documents in a secure location. You agree to the use of email, Portal, and other electronic methods to transmit and receive information, including confidential information, between the Firm, the Town, and other third party providers utilized by either party in connection with the engagement.

Use of third party providers

In the normal course of business, we may on occasion use the services of an independent contractor or a temporary or loaned employee, all of whom may be considered a third party service provider. On these occasions, we remain responsible for the adequate oversight of all services performed by the third party service provider and for ensuring that all services are performed with professional competence and due professional care. We will adequately plan and supervise the services provided by the third party service provider; obtain sufficient relevant data to support the work product; and review compliance with technical standards

applicable to the professional services rendered. We will enter into a contractual agreement with the third party service provider to maintain the confidentiality of information and be reasonably assured that the third party service provider has appropriate procedures in place to prevent the unauthorized release of confidential information to others.

Subpoenas

In the event we are requested or authorized by the Town, or required by government regulation, subpoena, or other legal process to produce our working papers or our personnel as witnesses with respect to our engagement for the Town, the Town will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expense, as well as the fees and expenses of our counsel, incurred in responding to such a request at standard billing rates.

Dispute resolution provision

This Dispute Resolution Provision sets forth the dispute resolution process and procedures applicable to any dispute or claim arising out of or relating to this engagement letter or the services provided hereunder, or any other audit or attest services provided by or on behalf of the Firm or any of its subcontractors or agents to the Town or at its request (“Disputes”), and shall apply to the fullest extent of the law, whether in contract, statute, tort (such as negligence), or otherwise.

Mediation

All Disputes shall be first submitted to nonbinding confidential mediation by written notice to the parties, and shall be treated as compromise and settlement negotiations under the standards set forth in the Federal Rules of Evidence and all applicable state counterparts, together with any applicable statutes protecting the confidentiality of mediations or settlement discussions. If the parties cannot agree on a mediator, the International Institute for Conflict Prevention and Resolution (“CPR”), at the written request of a party, shall designate a mediator.

Arbitration procedures

If a Dispute has not been resolved within 90 days after the effective date of the written notice beginning the mediation process (or such longer period, if the parties so agree in writing), the mediation shall terminate and the Dispute shall be settled by binding arbitration to be held at a mutually agreeable location. The arbitration shall be conducted in accordance with the CPR Rules for Non-Administered Arbitration that are in effect at the time of the commencement of the arbitration, except to the extent modified by this Dispute Resolution Provision (the “Rules”). The arbitration shall be conducted before a panel of three arbitrators. Each of the Town and the Firm shall designate one arbitrator in accordance with the “screened” appointment procedure provided in the Rules, and the two party-designated arbitrators shall jointly select the third in accordance with the Rules. No arbitrator may serve on the panel unless he or she has agreed in writing to enforce the terms of the engagement letter and to abide by the terms of the Rules. Except with respect to the interpretation and enforcement of these arbitration procedures (which shall be governed by the Federal Arbitration Act), the arbitrators shall apply the laws of the Commonwealth of Virginia (without giving effect to its choice of law principles) in connection with the Dispute. The arbitrators may render a summary disposition relative to all or some of the issues, provided that the responding party has had an adequate opportunity to respond to any such application for such disposition. Any discovery shall be conducted in accordance with the Rules. The result of the arbitration shall be binding on the parties, and judgment on the arbitration award may be entered in any court having jurisdiction.

Costs

Each party shall bear its own costs in both the mediation and the arbitration; however, the parties shall share the fees and expenses of both the mediators and the arbitrators equally.

Waiver of trial by jury

In the event the parties are unable to successfully arbitrate any dispute, controversy, or claim, the parties agree to WAIVE TRIAL BY JURY and agree that the court will hear any matter without a jury.

Independent contractor

Each party is an independent contractor with respect to the other and shall not be construed as having a trustee, joint venture, agency, or fiduciary relationship.

No third party beneficiaries

The parties do not intend to benefit any third party by entering into this agreement, and nothing contained in this agreement confers any right or benefit upon any person or entity who or which is not a signatory of this agreement.

Statute of limitations

The Town agrees not to bring any claims against any partner or employee of the Firm in any form for any reason. The Town and the Firm agree that any suit arising out of or related to the services contemplated by this engagement letter must be filed within one year after the cause of action arises. The cause of action arises upon the earlier of (i) delivery of the final work product for which the firm has been engaged, (ii) where applicable, filing of the final work product for which the firm has been engaged, or (iii) the date which the services contemplated under this engagement letter are terminated by either party.

Terms and conditions supporting fees

The estimated fees set forth in the attached engagement letter are based on anticipated full cooperation from the Town's personnel, timely delivery of requested audit schedules and supporting information, timely communication of all significant accounting and financial reporting matters, the assumption that unexpected circumstances will not be encountered during the audit, as well as working space and clerical assistance as mutually agreed-upon and as is normal and reasonable in the circumstances. We strive to ensure that we have the right professionals scheduled on each engagement. As a result, sudden Town requested scheduling changes or scheduling changes necessitated by the agreed information not being ready on the agreed-upon dates can result in expensive downtime for our professionals. Any last minute schedule changes that result in downtime for our professionals could result in additional fees. Our estimated fees do not include assistance in bookkeeping or other accounting services not previously described. If, for any reason, the Town is unable to provide such schedules, information, and assistance, the Firm and the Town will mutually revise the fee to reflect additional services, if any, required of us to achieve these objectives.

The estimated fees contemplate that the Town will provide adequate documentation of its systems and controls related to significant transaction cycles and audit areas.

In providing our services, we will consult with the Town with respect to matters of accounting, financial reporting, or other significant business issues as permitted by professional standards. Accordingly, time necessary to affect a reasonable amount of such consultation is reflected in our fees. However, should a matter require research, consultation, or audit work beyond that amount, the Firm and the Town will agree to an appropriate revision in our fee.

The estimated fees are based on auditing and accounting standards effective as of the date of this engagement letter and known to apply to the Town at this time. Unless otherwise indicated, estimated fees do not include any time related to the application of new auditing or accounting standards that impact the Town for the first time. If new auditing or accounting standards are issued subsequent to the date of this letter and are effective for the period under audit, we will estimate the impact of any such standard on the nature, timing, and extent of our planned audit procedures and will communicate with the Town concerning the scope of the additional procedures and the estimated fees.

The Town agrees to pay all costs of collection (including reasonable attorneys' fees) that the Firm may incur in connection with the collection of unpaid invoices. In the event of nonpayment of any invoice rendered by us, we retain the right to (a) suspend the performance of our services, (b) change the payment conditions under this engagement letter, or (c) terminate our services. If we elect to suspend our services, such services will not be resumed until your account is paid. If we elect to terminate our services for nonpayment, the Town will be obligated to compensate us for all time expended and reimburse us for all expenses through the date of termination.

This engagement letter sets forth the entire understanding between the Town and the Firm regarding the services described herein and supersedes any previous proposals, correspondence, and understandings whether written or oral. Any subsequent changes to the terms of this letter, other than additional billings, will be rendered in writing and shall be executed by both parties. Should any portion of this engagement letter be ruled invalid, it is agreed that such invalidity will not affect any of the remaining portions.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Steve Maynard, Purchasing and Contracts Manager

Department(s): Finance

Requested Motion

Motion to approve report of award of contract to National Transformer Sales for 3 Phase Pad Mount and Single Overhead Transformers.

Approval Recommended?

Yes

Item Details

Pursuant to NCGS 143-129 and Town Resolution dated February 1, 2002, the Purchasing Manager is authorized to bid and award purchase contracts in formal bidding range. The Purchasing manager is required to report such contract awards at the first Council meeting following the award of the contract.

Formal bids were submitted on May 2, 2022 at 2:30 PM for 3 Phase Pad Mount and Single Phase Overhead Transformers. Bid was awarded to National Transformer Sales based on price.

Attachments

- Submitted Price Bid



TRANSFORMER SIZE	QUANTITY	UNIT PRICE	TOTAL PRICE	MANUFACTURER
75 KVA 3-PH 120/208	7	\$8931.00	\$62517.00	ERMCO
75 KVA 3-PH 480Y/277	3	\$8847.00	\$26541.00	ERMCO
150 KVA 480/277	3	\$9897.00	\$26691.00	ERMCO
300 KVA 208/120	2	\$15892.00	\$31784.00	ERMCO
500 KVA 208/120	2	\$20407.00	\$40814.00	ERMCO
1000 KVA 480Y/277	2	\$36346.00	\$72692.00	ERMCO
2500 KVA 480/277	2	\$64739.00	\$129478.00	ERMCO
25 KVA OH CONVENTIONAL 13200	10	\$1490.00	\$14900.00	ERMCO
PME 9 SWITCHGEAR 25kV RATED- AIS-9 CONFIGURATION- 600A DEADBREAK BUSHING- S&C SM-20 FUSE MOUNTING, RATED 27kV, 200A RMS HUBBELL B090A20 or EQUIVALENT	5	N/A		
GROUND SLEEVE MOUNTING FOR PME9 SWITCHGEAR	5	n/a		

DELIVERY SCHEDULE: Please see cover letter for delivery information

NEAREST AUTHORIZED REPAIR FACILITY:
Dyersburg, TN

TOWN OF APEX
TRANSFORMER LOSS EVALUATION

PROJECT: PAD MOUNT & OVERHEAD TRANSFORMERS, SWITCHGEARS, GROUND SLEEVES
 BID DATE: MAY 2, 2022 2:30 PM

SUMMARY OF TRANSFORMER LOSS DATA

SIZE	NO LOAD	LOAD	TOC
25 kva	71	259	\$2779.13
75 kva 3ph 208/120	219	590	\$12240.98
75 kva 3ph 480/277	202	624	\$12154.60
150 kva 3ph 480/277	320	1340	\$16258.00
300 kva 3ph 208/120	606	1932	\$19843.12
500 kva 3ph 208/120	718	3724	\$36967.9 2
1000 kva 3ph	1254	5340	\$62058.28
2500 kva 3ph	2609	12077	\$118275.31

TOC = UNIT COST + (A X NO LOAD LOSSES) + (B X FULL LOAD LOSSES)

A=THE COST PER WATT FOR NO LOAD LOSSES

B=THE COST PER WATT FOR LOAD LOSSES

TRANSFORMERS LESS THAN OR GREATER THAN 100 KVA:

“A” FACTOR = \$6.52 PER WATT

“B” FACTOR = \$3.19 PER WATT

CUSTOMER COPY QUOTE # 651525-00 QUOTED DATE 4/20/22

BILL TO: NATIONAL TRANSFORMER SALES 2613 DISCOVERY DRIVE SUITE B RALEIGH NC27604

SHIP TO: TOWN OF APEX ATTN= PAM KITTO 105 UPCHURCH STREET P.O. BOX 250 APEX NC27502

DESCRIPTION PRODUCT NUMBER QTY UNIT PRICE EXT PRICE

TRANSFORMER LOSS DATA IS BASED ON ANSI C57.12.00:

LOSS GRT: AVE VOLT% : 100

NL TEMP BASIS: 85 LL TEMP BASIS: 85

FOB APEX, NC. FREIGHT PREPAID AND ALLOWED.

*QUOTED PER TOWN OF APEX DISTRIBUTION TRANSFORMER SPECIFICATIONS.

-REFERENCE 2.0: ERMCO DOES NOT PAINT THE INSIDE OF TRANSFORMER TANK.

-DUE TO THE REQUESTED KVA AND SECONDARY VOLTAGE QUOTING ONE-PIECE INTEGRATED 6 HOLE BUSHING/SPADE FOR ITEM 7.

2ND QTR 2022 INDEX

PRICING IS FIRM ON AN ORDER RECEIVED WITHIN 30 DAYS FROM BID DATE AND SHIPMENT WITHIN THE QUOTED THE LEAD TIME

PRICING IS SUBJECT TO ESCALATION/DESCALATION FOR ORDERS PLACED AFTER THE 30 DAY BID VALIDITY OR FOR SHIPMENTS DELAYED BEYOND THE QUOTED LEADTIME AT THE CUSTOMERS REQUEST. ESCALATION IS CALCULATED ON THE DIFFERENCE IN THE ERMCO MATERIAL COST FROM TIME OF QUOTE VERSUS REQUESTED TIME OF SHIPMENT. THE BASE INDEX FOR THIS QUOTE IS 2ND QTR 2022 MATERIAL COSTS. PLEASE NOTE:LEADTIME IS SUBJECT TO CHANGE WITHOUT NOTICE!!

ITEM 1 ERMCO 3 PHASE PAD TRANSFORMER 3PH-PAD 7 8931.00 62517.00

ITEM# : 1.00

NL= 219 LL= 590 IZ=2.800 TL= 809

OPTIONS BEGIN.....

- ERMCO ERMCO STD 3PH TRANSFORMER
0075 75 KVA
G GRDY
206G 22860GY/13200 125 BIL
X H0/X0 GROUND
003 2 TAPS 2.5% ABOVE & BELOW NORMAL
112 208Y/120 LH
M4 ANSI MINIMUM K DIM=4.5
L LOOP FEED
000 GENERIC STD FIXED STUD WELL
000 NO INSERTS SELECTED
000 ELBOW ARRESTERS NOT SELECTED

CUSTOMER COPY

QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

RALEIGH NC27604

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
S	STAGGERED LV BUSHING ARRANGEMENT			
000	ERMCO STD STUD LV BUSHINGS			
400	4 HOLE NEMA SPADES			
F53	CURR SENSING BAYO W/ELSP (GENERIC)			
CLA	GENERIC BACKUP CL FUSE			
000	MILD STEEL TANK & BASE			
APEX	APEX FI CABINET STYLE			
000	MILD STEEL CABINET & SILL			
0	STD CABINET PARTITION			
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
0	GROUND BOSS IN PRIMARY & SECONDARY			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD) 7-15			
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

ITEM 2
ERMCO 3 PHASE PAD TRANSFORMER 3PH-PAD 3 8847.00 26541.00
ITEM# : 2.00
NL= 202 LL= 624 IZ=2.700 TL= 826
OPTIONS BEGIN.....
ERMCO ERMCO STD 3PH TRANSFORMER
0075 75 KVA
G GRDY
206G 22860GY/13200 125 BIL

CUSTOMER COPY

QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B
RALEIGH NC27604

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
X	H0/X0 GROUND			
003	2 TAPS 2.5% ABOVE & BELOW NORMAL			
127	480Y/277 LH			
M4	ANSI MINIMUM K DIM=4.5			
L	LOOP FEED			
000	GENERIC STD FIXED STUD WELL			
000	NO INSERTS SELECTED			
000	ELBOW ARRESTERS NOT SELECTED			
S	STAGGERED LV BUSHING ARRANGEMENT			
000	ERMCO STD STUD LV BUSHINGS			
400	4 HOLE NEMA SPADES			
F53	CURR SENSING BAYO W/ELSP (GENERIC)			
CLA	GENERIC BACKUP CL FUSE			
000	MILD STEEL TANK & BASE			
APEX	APEX FI CABINET STYLE			
000	MILD STEEL CABINET & SILL			
0	STD CABINET PARTITION			
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
0	GROUND BOSS IN PRIMARY & SECONDARY			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD) 7-15			
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

ITEM 3
ERMCO 3 PHASE PAD TRANSFORMER 3PH-PAD 3 9897.00 26691.00
ITEM# : 3.00

CUSTOMER COPY

QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX

RALEIGH NC27604

NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
NL= 320 LL= 1340 IZ=4.000 TL= 1660				
OPTIONS BEGIN.....				
ERMCO	ERMCO STD 3PH TRANSFORMER			
0150	150 KVA			
G	GRDY			
206G	22860GY/13200 125 BIL			
X	H0/X0 GROUND			
003	2 TAPS 2.5% ABOVE & BELOW NORMAL			
127	480Y/277 LH			
M4	ANSI MINIMUM K DIM=4.5			
L	LOOP FEED			
000	GENERIC STD FIXED STUD WELL			
000	NO INSERTS SELECTED			
000	ELBOW ARRESTERS NOT SELECTED			
000	NO INS. STANDOFF BUSHING SELECTED			
000	NO INS. PROTECTIVE CAP SELECTED			
S	STAGGERED LV BUSHING ARRANGEMENT			
000	ERMCO STD STUD LV BUSHINGS			
400	4 HOLE NEMA SPADES			
F53	CURR SENSING BAYO W/ELSP (GENERIC)			
CLA	GENERIC BACKUP CL FUSE			
000	MILD STEEL TANK & BASE			
APEX	APEX FI CABINET STYLE			
000	MILD STEEL CABINET & SILL			
0	STD CABINET PARTITION			
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
0	GROUND BOSS IN PRIMARY & SECONDARY			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD) 7-15			
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			

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QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

RALEIGH NC27604

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

ITEM 4	ERMCO 3 PHASE PAD TRANSFORMER	3PH-PAD	2	15892.00	31784.00
ITEM# :	4.00				

NL= 606 LL= 1932 IZ=3.300 TL= 2538

OPTIONS BEGIN.....

ERMCO	ERMCO STD 3PH TRANSFORMER			
0300	300 KVA			
G	GRDY			
206G	22860GY/13200 125 BIL			
X	H0/X0 GROUND			
003	2 TAPS 2.5% ABOVE & BELOW NORMAL			
112	208Y/120 LH			
M4	ANSI MINIMUM K DIM=4.5			
L	LOOP FEED			
000	GENERIC STD FIXED STUD WELL			
000	NO INSERTS SELECTED			
000	ELBOW ARRESTERS NOT SELECTED			
000	NO INS. STANDOFF BUSHING SELECTED			
000	NO INS. PROTECTIVE CAP SELECTED			
S	STAGGERED LV BUSHING ARRANGEMENT			
000	ERMCO STD STUD LV BUSHINGS			
400	4 HOLE NEMA SPADES			
F53	CURR SENSING BAYO W/ELSP (GENERIC)			
CLA	GENERIC BACKUP CL FUSE			
000	MILD STEEL TANK & BASE			
APEX	APEX FI CABINET STYLE			
000	MILD STEEL CABINET & SILL			
0	STD CABINET PARTITION			
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
0	GROUND BOSS IN PRIMARY & SECONDARY			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			

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QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

RALEIGH NC27604

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD)	7-15		
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

ITEM 5
ERMCO 3 PHASE PAD TRANSFORMER 3PH-PAD 2 20407.00 40814.00
ITEM# : 5.00
NL= 718 LL= 3724 IZ=4.400 TL= 4442

OPTIONS BEGIN.....

ERMCO ERMCO STD 3PH TRANSFORMER
0500 500 KVA
G GRDY
206G 22860GY/13200 125 BIL
X H0/X0 GROUND
003 2 TAPS 2.5% ABOVE & BELOW NORMAL
112 208Y/120 LH
M4 ANSI MINIMUM K DIM=4.5
L LOOP FEED
000 GENERIC STD FIXED STUD WELL
000 NO INSERTS SELECTED
000 ELBOW ARRESTERS NOT SELECTED
000 NO INS. STANDOFF BUSHING SELECTED
000 NO INS. PROTECTIVE CAP SELECTED
S STAGGERED LV BUSHING ARRANGEMENT
000 ERMCO STD STUD LV BUSHINGS
400 4 HOLE NEMA SPADES
F53 CURR SENSING BAYO W/ELSP (GENERIC)
CLA GENERIC BACKUP CL FUSE
000 MILD STEEL TANK & BASE
APEX APEX FI CABINET STYLE
000 MILD STEEL CABINET & SILL
0 STD CABINET PARTITION

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QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX

RALEIGH NC27604

NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
0	GROUND BOSS IN PRIMARY & SECONDARY			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD) 7-15			
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

ITEM 6
ERMCO 3 PHASE PAD TRANSFORMER 3PH-PAD 2 36346.00 72692.00
ITEM# : 6.00
NL= 1254 LL= 5340 IZ=5.500 TL= 6594

OPTIONS BEGIN.....
ERMCO ERMCO STD 3PH TRANSFORMER
1000 1000 KVA
G GRDY
206G 22860GY/13200 125 BIL
X H0/X0 GROUND
003 2 TAPS 2.5% ABOVE & BELOW NORMAL
127 480Y/277 LH
S5 ANSI SPECIFIC K DIM=5.0
L LOOP FEED
000 GENERIC STD FIXED STUD WELL
000 NO INSERTS SELECTED
000 ELBOW ARRESTERS NOT SELECTED
000 NO INS. STANDOFF BUSHING SELECTED

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QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

RALEIGH NC27604

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
000	NO INS. PROTECTIVE CAP SELECTED			
S	STAGGERED LV BUSHING ARRANGEMENT			
000	ERMCO STD STUD LV BUSHINGS			
400	4 HOLE NEMA SPADES			
F53	CURR SENSING BAYO W/ELSP (GENERIC)			
CLA	GENERIC BACKUP CL FUSE			
000	MILD STEEL TANK & BASE			
APEX	APEX FI CABINET STYLE			
000	MILD STEEL CABINET & SILL			
0	STD CABINET PARTITION			
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
1	S.S. 2HOLE GRD PAD IN PRI & SEC			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD) 7-15			
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

ITEM 7
ERMCO 3 PHASE PAD TRANSFORMER 3PH-PAD 2 64739.00 129478.00
ITEM# : 7.00
NL= 2609 LL=12077 IZ=5.600 TL=14686
OPTIONS BEGIN.....
ERMCO ERMCO STD 3PH TRANSFORMER
2500 2500 KVA
G GRDY

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QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX NC27502

RALEIGH NC27604

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
206G	22860GY/13200 125 BIL			
X	H0/X0 GROUND			
003	2 TAPS 2.5% ABOVE & BELOW NORMAL			
127	480Y/277 LH			
S5	ANSI SPECIFIC K DIM=5.0			
L	LOOP FEED			
000	GENERIC STD FIXED STUD WELL			
000	NO INSERTS SELECTED			
000	ELBOW ARRESTERS NOT SELECTED			
000	NO INS. STANDOFF BUSHING SELECTED			
000	NO INS. PROTECTIVE CAP SELECTED			
S	STAGGERED LV BUSHING ARRANGEMENT			
506	HJ INTG 6H SPD			
F53	CURR SENSING BAYO W/ELSP (GENERIC)			
CLA	GENERIC BACKUP CL FUSE			
000	MILD STEEL TANK & BASE			
000	MILD STEEL CABINET & SILL			
0	STD CABINET PARTITION			
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
1	S.S. 2HOLE GRD PAD IN PRI & SEC			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD) 7-15			
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

100% CTR @ TIME OF SHIPMENT

48 HOUR NOTICE

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QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

RALEIGH NC27604

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX NC27502

<u>DESCRIPTION</u>	<u>PRODUCT NUMBER</u>	<u>QTY</u>	<u>UNIT PRICE</u>	<u>EXT PRICE</u>
FLAT BED SIDE UNLOAD				

CUSTOMER COPY QUOTE # 651525-00 QUOTED DATE 4/20/22

BILL TO: NATIONAL TRANSFORMER SALES 2613 DISCOVERY DRIVE SUITE B RALEIGH NC27604

SHIP TO: TOWN OF APEX ATTN= PAM KITTO 105 UPCHURCH STREET P.O. BOX 250 APEX NC27502

DESCRIPTION PRODUCT NUMBER QTY UNIT PRICE EXT PRICE

TRANSFORMER LOSS DATA IS BASED ON ANSI C57.12.00:

LOSS GRT: AVE VOLT% : 100

NL TEMP BASIS: 85 LL TEMP BASIS: 85

FOB APEX, NC. FREIGHT PREPAID AND ALLOWED.

*QUOTED PER TOWN OF APEX DISTRIBUTION TRANSFORMER SPECIFICATIONS.

-REFERENCE 2.0: ERMCO DOES NOT PAINT THE INSIDE OF TRANSFORMER TANK.

-DUE TO THE REQUESTED KVA AND SECONDARY VOLTAGE QUOTING ONE-PIECE INTEGRATED 6 HOLE BUSHING/SPADE FOR ITEM 7.

2ND QTR 2022 INDEX

PRICING IS FIRM ON AN ORDER RECEIVED WITHIN 30 DAYS FROM BID DATE AND SHIPMENT WITHIN THE QUOTED THE LEAD TIME

PRICING IS SUBJECT TO ESCALATION/DESCALATION FOR ORDERS PLACED AFTER THE 30 DAY BID VALIDITY OR FOR SHIPMENTS DELAYED BEYOND THE QUOTED LEADTIME AT THE CUSTOMERS REQUEST. ESCALATION IS CALCULATED ON THE DIFFERENCE IN THE ERMCO MATERIAL COST FROM TIME OF QUOTE VERSUS REQUESTED TIME OF SHIPMENT. THE BASE INDEX FOR THIS QUOTE IS 2ND QTR 2022 MATERIAL COSTS. PLEASE NOTE:LEADTIME IS SUBJECT TO CHANGE WITHOUT NOTICE!!

ITEM 1 ERMCO 3 PHASE PAD TRANSFORMER 3PH-PAD 7 8931.00 62517.00

ITEM# : 1.00

NL= 219 LL= 590 IZ=2.800 TL= 809

OPTIONS BEGIN.....

- ERMCO ERMCO STD 3PH TRANSFORMER
0075 75 KVA
G GRDY
206G 22860GY/13200 125 BIL
X H0/X0 GROUND
003 2 TAPS 2.5% ABOVE & BELOW NORMAL
112 208Y/120 LH
M4 ANSI MINIMUM K DIM=4.5
L LOOP FEED
000 GENERIC STD FIXED STUD WELL
000 NO INSERTS SELECTED
000 ELBOW ARRESTERS NOT SELECTED

CUSTOMER COPY

QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

RALEIGH NC27604

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
S	STAGGERED LV BUSHING ARRANGEMENT			
000	ERMCO STD STUD LV BUSHINGS			
400	4 HOLE NEMA SPADES			
F53	CURR SENSING BAYO W/ELSP (GENERIC)			
CLA	GENERIC BACKUP CL FUSE			
000	MILD STEEL TANK & BASE			
APEX	APEX FI CABINET STYLE			
000	MILD STEEL CABINET & SILL			
0	STD CABINET PARTITION			
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
0	GROUND BOSS IN PRIMARY & SECONDARY			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD) 7-15			
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

ITEM 2
ERMCO 3 PHASE PAD TRANSFORMER 3PH-PAD 3 8847.00 26541.00
ITEM# : 2.00
NL= 202 LL= 624 IZ=2.700 TL= 826
OPTIONS BEGIN.....
ERMCO ERMCO STD 3PH TRANSFORMER
0075 75 KVA
G GRDY
206G 22860GY/13200 125 BIL

CUSTOMER COPY

QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

RALEIGH NC27604

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
X	H0/X0 GROUND			
003	2 TAPS 2.5% ABOVE & BELOW NORMAL			
127	480Y/277 LH			
M4	ANSI MINIMUM K DIM=4.5			
L	LOOP FEED			
000	GENERIC STD FIXED STUD WELL			
000	NO INSERTS SELECTED			
000	ELBOW ARRESTERS NOT SELECTED			
S	STAGGERED LV BUSHING ARRANGEMENT			
000	ERMCO STD STUD LV BUSHINGS			
400	4 HOLE NEMA SPADES			
F53	CURR SENSING BAYO W/ELSP (GENERIC)			
CLA	GENERIC BACKUP CL FUSE			
000	MILD STEEL TANK & BASE			
APEX	APEX FI CABINET STYLE			
000	MILD STEEL CABINET & SILL			
0	STD CABINET PARTITION			
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
0	GROUND BOSS IN PRIMARY & SECONDARY			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD) 7-15			
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

ITEM 3
ERMCO 3 PHASE PAD TRANSFORMER 3PH-PAD 3 9897.00 26691.00
ITEM# : 3.00

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QUOTE # 651525-00
 QUOTED DATE 4/20/22

BILL TO:
 NATIONAL TRANSFORMER SALES
 2613 DISCOVERY DRIVE
 SUITE B
 RALEIGH NC27604

SHIP TO:
 TOWN OF APEX
 ATTN= PAM KITTO
 105 UPCHURCH STREET
 P.O. BOX 250
 APEX NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
NL= 320 LL= 1340 IZ=4.000 TL= 1660				
OPTIONS BEGIN.....				
ERMCO	ERMCO STD 3PH TRANSFORMER			
0150	150 KVA			
G	GRDY			
206G	22860GY/13200 125 BIL			
X	H0/X0 GROUND			
003	2 TAPS 2.5% ABOVE & BELOW NORMAL			
127	480Y/277 LH			
M4	ANSI MINIMUM K DIM=4.5			
L	LOOP FEED			
000	GENERIC STD FIXED STUD WELL			
000	NO INSERTS SELECTED			
000	ELBOW ARRESTERS NOT SELECTED			
000	NO INS. STANDOFF BUSHING SELECTED			
000	NO INS. PROTECTIVE CAP SELECTED			
S	STAGGERED LV BUSHING ARRANGEMENT			
000	ERMCO STD STUD LV BUSHINGS			
400	4 HOLE NEMA SPADES			
F53	CURR SENSING BAYO W/ELSP (GENERIC)			
CLA	GENERIC BACKUP CL FUSE			
000	MILD STEEL TANK & BASE			
APEX	APEX FI CABINET STYLE			
000	MILD STEEL CABINET & SILL			
0	STD CABINET PARTITION			
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
0	GROUND BOSS IN PRIMARY & SECONDARY			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD) 7-15			
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			

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QUOTE # 651525-00
 QUOTED DATE 4/20/22

BILL TO:
 NATIONAL TRANSFORMER SALES
 2613 DISCOVERY DRIVE
 SUITE B
 RALEIGH NC27604

SHIP TO:
 TOWN OF APEX
 ATTN= PAM KITTO
 105 UPCHURCH STREET
 P.O. BOX 250
 APEX NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

ITEM 4					
ERMCO 3	PHASE PAD TRANSFORMER	3PH-PAD	2	15892.00	31784.00
ITEM# :	4.00				

NL= 606 LL= 1932 IZ=3.300 TL= 2538
 OPTIONS BEGIN.....

ERMCO	ERMCO STD 3PH TRANSFORMER			
0300	300 KVA			
G	GRDY			
206G	22860GY/13200 125 BIL			
X	H0/X0 GROUND			
003	2 TAPS 2.5% ABOVE & BELOW NORMAL			
112	208Y/120 LH			
M4	ANSI MINIMUM K DIM=4.5			
L	LOOP FEED			
000	GENERIC STD FIXED STUD WELL			
000	NO INSERTS SELECTED			
000	ELBOW ARRESTERS NOT SELECTED			
000	NO INS. STANDOFF BUSHING SELECTED			
000	NO INS. PROTECTIVE CAP SELECTED			
S	STAGGERED LV BUSHING ARRANGEMENT			
000	ERMCO STD STUD LV BUSHINGS			
400	4 HOLE NEMA SPADES			
F53	CURR SENSING BAYO W/ELSP (GENERIC)			
CLA	GENERIC BACKUP CL FUSE			
000	MILD STEEL TANK & BASE			
APEX	APEX FI CABINET STYLE			
000	MILD STEEL CABINET & SILL			
0	STD CABINET PARTITION			
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
0	GROUND BOSS IN PRIMARY & SECONDARY			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			

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QUOTE # 651525-00
 QUOTED DATE 4/20/22

BILL TO:
 NATIONAL TRANSFORMER SALES
 2613 DISCOVERY DRIVE
 SUITE B
 RALEIGH NC27604

SHIP TO:
 TOWN OF APEX
 ATTN= PAM KITTO
 105 UPCHURCH STREET
 P.O. BOX 250
 APEX NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD)	7-15		
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

ITEM 5
 ERMCO 3 PHASE PAD TRANSFORMER 3PH-PAD 2 20407.00 40814.00

ITEM# : 5.00
 NL= 718 LL= 3724 IZ=4.400 TL= 4442

OPTIONS BEGIN.....

ERMCO	ERMCO STD 3PH TRANSFORMER
0500	500 KVA
G	GRDY
206G	22860GY/13200 125 BIL
X	H0/X0 GROUND
003	2 TAPS 2.5% ABOVE & BELOW NORMAL
112	208Y/120 LH
M4	ANSI MINIMUM K DIM=4.5
L	LOOP FEED
000	GENERIC STD FIXED STUD WELL
000	NO INSERTS SELECTED
000	ELBOW ARRESTERS NOT SELECTED
000	NO INS. STANDOFF BUSHING SELECTED
000	NO INS. PROTECTIVE CAP SELECTED
S	STAGGERED LV BUSHING ARRANGEMENT
000	ERMCO STD STUD LV BUSHINGS
400	4 HOLE NEMA SPADES
F53	CURR SENSING BAYO W/ELSP (GENERIC)
CLA	GENERIC BACKUP CL FUSE
000	MILD STEEL TANK & BASE
APEX	APEX FI CABINET STYLE
000	MILD STEEL CABINET & SILL
0	STD CABINET PARTITION

CUSTOMER COPY

QUOTE # 651525-00
 QUOTED DATE 4/20/22

BILL TO:
 NATIONAL TRANSFORMER SALES
 2613 DISCOVERY DRIVE
 SUITE B

SHIP TO:
 TOWN OF APEX
 ATTN= PAM KITTO
 105 UPCHURCH STREET
 P.O. BOX 250
 APEX

RALEIGH NC27604

NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
0	GROUND BOSS IN PRIMARY & SECONDARY			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD) 7-15			
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

ITEM 6
 ERMCO 3 PHASE PAD TRANSFORMER 3PH-PAD 2 36346.00 72692.00
 ITEM# : 6.00
 NL= 1254 LL= 5340 IZ=5.500 TL= 6594

OPTIONS BEGIN.....

ERMCO ERMCO STD 3PH TRANSFORMER
 1000 1000 KVA
 G GRDY
 206G 22860GY/13200 125 BIL
 X H0/X0 GROUND
 003 2 TAPS 2.5% ABOVE & BELOW NORMAL
 127 480Y/277 LH
 S5 ANSI SPECIFIC K DIM=5.0
 L LOOP FEED
 000 GENERIC STD FIXED STUD WELL
 000 NO INSERTS SELECTED
 000 ELBOW ARRESTERS NOT SELECTED
 000 NO INS. STANDOFF BUSHING SELECTED

CUSTOMER COPY

QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX

RALEIGH NC27604

NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
000	NO INS. PROTECTIVE CAP SELECTED			
S	STAGGERED LV BUSHING ARRANGEMENT			
000	ERMCO STD STUD LV BUSHINGS			
400	4 HOLE NEMA SPADES			
F53	CURR SENSING BAYO W/ELSP (GENERIC)			
CLA	GENERIC BACKUP CL FUSE			
000	MILD STEEL TANK & BASE			
APEX	APEX FI CABINET STYLE			
000	MILD STEEL CABINET & SILL			
0	STD CABINET PARTITION			
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
1	S.S. 2HOLE GRD PAD IN PRI & SEC			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD) 7-15			
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

ITEM 7
ERMCO 3 PHASE PAD TRANSFORMER 3PH-PAD 2 64739.00 129478.00
ITEM# : 7.00
NL= 2609 LL=12077 IZ=5.600 TL=14686
OPTIONS BEGIN.....
ERMCO ERMCO STD 3PH TRANSFORMER
2500 2500 KVA
G GRDY

CUSTOMER COPY

QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX

RALEIGH NC27604

NC27502

DESCRIPTION	PRODUCT NUMBER	QTY	UNIT PRICE	EXT PRICE
206G	22860GY/13200 125 BIL			
X	H0/X0 GROUND			
003	2 TAPS 2.5% ABOVE & BELOW NORMAL			
127	480Y/277 LH			
S5	ANSI SPECIFIC K DIM=5.0			
L	LOOP FEED			
000	GENERIC STD FIXED STUD WELL			
000	NO INSERTS SELECTED			
000	ELBOW ARRESTERS NOT SELECTED			
000	NO INS. STANDOFF BUSHING SELECTED			
000	NO INS. PROTECTIVE CAP SELECTED			
S	STAGGERED LV BUSHING ARRANGEMENT			
506	HJ INTG 6H SPD			
F53	CURR SENSING BAYO W/ELSP (GENERIC)			
CLA	GENERIC BACKUP CL FUSE			
000	MILD STEEL TANK & BASE			
000	MILD STEEL CABINET & SILL			
0	STD CABINET PARTITION			
0	PADMOUNT GREEN FINISH			
0	STANDARD HARDWARE.			
11	SILICON BRONZE PENTABOLT			
1	S.S. 2HOLE GRD PAD IN PRI & SEC			
00	STANDARD AIR SPACE			
00	GENERIC PR VALVE .25 10PSI 35SCFM			
0	1" NPT DRAIN PLUG			
S	DRAIN IN SECONDARY COMPARTMENT			
0	1"NPT FILL PLUG			
0	NO LIQUID LEVEL GAUGE SELECTED			
0	NO VACUUM GAGE SELECTED			
0	NO TEMPERATURE GAGE SELECTED			
0	STD TX OIL			
A	STANDARD TWO NAMEPLATES			
SY	STENCIL KVA YELLOW			
01	"NON PCB" 1X2 (ERMCO STD) 7-15			
11	DANGER "MR.OUCH" GENERIC (3-52-02)			
02	WARNING "MR OUCH" GENERIC(3-52-01)			
99	STD PRIMARY DECAL INSIDE(HV)			
00	NO SECONDARY VOLTAGE DECALS			
00	STD ERMCO "E" LOGO DECAL (3-8-151)			
0	STANDARD PALLET			
N	NO SPECIAL TEST NEEDED			
OPTIONS END.....				

100% CTR @ TIME OF SHIPMENT

48 HOUR NOTICE

CUSTOMER COPY

QUOTE # 651525-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

RALEIGH NC27604

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX NC27502

<u>DESCRIPTION</u>	<u>PRODUCT NUMBER</u>	<u>QTY</u>	<u>UNIT PRICE</u>	<u>EXT PRICE</u>
FLAT BED SIDE UNLOAD				

CUSTOMER COPY

QUOTE # 651552-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

RALEIGH NC27604

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX NC27502

DESCRIPTION PRODUCT NUMBER QTY UNIT PRICE EXT PRICE

TRANSFORMER LOSS DATA IS BASED ON ANSI C57.12.00:

LOSS GRT: AVE VOLT% : 100

NL TEMP BASIS: 85 LL TEMP BASIS: 85

QUOTED PER THE TOWN OF APEX TRANSFORMER
SPECIFICATION AND PER THE DESCRIPTION PROVIDED
WITH THE RFQ

EXCEPTION: THE TANK WILL BE CONSTRUCTED OF 14
GAUGE MILD STEEL IN LIEU OF THE REQUESTED 11 GAUGE

NL=\$6.52 AND LL=\$3.19 WITH A 3% WINDOW
2ND QTR 2022 INDEX

PRICING IS FIRM ON AN ORDER RECEIVED WITHIN
30 DAYS FROM BID DATE AND SHIPMENT WITHIN
THE QUOTED THE LEAD TIME

PRICING IS SUBJECT TO ESCALATION/DESCALATION
FOR ORDERS PLACED AFTER THE 30 DAY BID VALIDITY
OR FOR SHIPMENTS DELAYED BEYOND THE QUOTED
LEADTIME AT THE CUSTOMERS REQUEST. ESCALATION IS
CALCULATED ON THE DIFFERENCE IN THE ERMCO
MATERIAL COST FROM TIME OF QUOTE VERSUS
REQUESTED TIME OF SHIPMENT. THE BASE INDEX FOR
THIS QUOTE IS 2ND QTR 2022 MATERIAL COSTS. PLEASE
NOTE:LEADTIME IS SUBJECT TO CHANGE WITHOUT
NOTICE!!

ITEM 1
OVERHEAD DIST. TRANSFORMER POLEMOUNT 10 1490.00 14900.00

ITEM# : 1.00

NL= 71 LL= 259 IZ=1.700 TL= 330

OPTIONS BEGIN.....

- 025 25 KVA
- 206 22860GRDY/13200 125BIL 1BU
- 206G 22860GRDY/13200
- 001 NO TAPS
- 601 120/240 3 OR 4 LVBU (INTERLACED)
- 1 1 SET OF HANGER BRACKETS
- 000 CONVENTIONAL
- A04 NORMAL DUTY MOV (STD 18" WIRE)
- 300 GenThermoSet/ThermoPlast w/EyeBolt
- 1 RECEIVES STD LENGTH LV GRD STRAP
- X TWO (2) STD GROUND LUGS 2 X 19-01
- 0 STENCIL kVA

CUSTOMER COPY

QUOTE # 651552-00
QUOTED DATE 4/20/22

BILL TO:
NATIONAL TRANSFORMER SALES
2613 DISCOVERY DRIVE
SUITE B

RALEIGH NC27604

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
105 UPCHURCH STREET
P.O. BOX 250
APEX NC27502

<u>DESCRIPTION</u>	<u>PRODUCT NUMBER</u>	<u>QTY</u>	<u>UNIT PRICE</u>	<u>EXT PRICE</u>
ARRESTER KV	0000000018.00000			
0	STD TX MINERAL OIL			
TKD	0000000017.00000			
TKH	0000000024.00000			
OPTIONS END.....				

100% CTR @ TIME OF SHIPMENT

48 HOUR NOTICE

FLAT BED SIDE UNLOAD

CUSTOMER COPY QUOTE # 651552-00 QUOTED DATE 4/20/22

BILL TO: NATIONAL TRANSFORMER SALES 2613 DISCOVERY DRIVE SUITE B RALEIGH NC27604

SHIP TO: TOWN OF APEX ATTN= PAM KITTO 105 UPCHURCH STREET P.O. BOX 250 APEX NC27502

DESCRIPTION PRODUCT NUMBER QTY UNIT PRICE EXT PRICE

TRANSFORMER LOSS DATA IS BASED ON ANSI C57.12.00:

LOSS GRT: AVE VOLT% : 100

NL TEMP BASIS: 85 LL TEMP BASIS: 85

QUOTED PER THE TOWN OF APEX TRANSFORMER SPECIFICATION AND PER THE DESCRIPTION PROVIDED WITH THE RFQ

EXCEPTION: THE TANK WILL BE CONSTRUCTED OF 14 GAUGE MILD STEEL IN LIEU OF THE REQUESTED 11 GAUGE

NL=\$6.52 AND LL=\$3.19 WITH A 3% WINDOW 2ND QTR 2022 INDEX

PRICING IS FIRM ON AN ORDER RECEIVED WITHIN 30 DAYS FROM BID DATE AND SHIPMENT WITHIN THE QUOTED THE LEAD TIME

PRICING IS SUBJECT TO ESCALATION/DESCALATION FOR ORDERS PLACED AFTER THE 30 DAY BID VALIDITY OR FOR SHIPMENTS DELAYED BEYOND THE QUOTED LEADTIME AT THE CUSTOMERS REQUEST. ESCALATION IS CALCULATED ON THE DIFFERENCE IN THE ERMCO MATERIAL COST FROM TIME OF QUOTE VERSUS REQUESTED TIME OF SHIPMENT. THE BASE INDEX FOR THIS QUOTE IS 2ND QTR 2022 MATERIAL COSTS. PLEASE NOTE:LEADTIME IS SUBJECT TO CHANGE WITHOUT NOTICE!!

ITEM 1 OVERHEAD DIST. TRANSFORMER POLEMOUNT 10 1490.00 14900.00

ITEM# : 1.00

NL= 71 LL= 259 IZ=1.700 TL= 330

OPTIONS BEGIN.....

- 025 25 KVA
206 22860GRDY/13200 125BIL 1BU
206G 22860GRDY/13200
001 NO TAPS
601 120/240 3 OR 4 LVBU (INTERLACED)
1 1 SET OF HANGER BRACKETS
000 CONVENTIONAL
A04 NORMAL DUTY MOV (STD 18" WIRE)
300 GenThermoSet/ThermoPlast w/EyeBolt
1 RECEIVES STD LENGTH LV GRD STRAP
X TWO (2) STD GROUND LUGS 2 X 19-01
0 STENCIL kVA

CUSTOMER COPY

QUOTE # 651552-00
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BILL TO:
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SUITE B

RALEIGH NC27604

SHIP TO:
TOWN OF APEX
ATTN= PAM KITTO
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P.O. BOX 250
APEX NC27502

<u>DESCRIPTION</u>	<u>PRODUCT NUMBER</u>	<u>QTY</u>	<u>UNIT PRICE</u>	<u>EXT PRICE</u>
ARRESTER KV	0000000018.00000			
0	STD TX MINERAL OIL			
TKD	0000000017.00000			
TKH	0000000024.00000			
OPTIONS END.....				

100% CTR @ TIME OF SHIPMENT

48 HOUR NOTICE

FLAT BED SIDE UNLOAD

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Steve Maynard, Purchasing and Contracts Manager

Department(s): Finance

Requested Motion

Motion to approve report of award of contract to Crossroads Ford of Apex for the purchase of a 2022 F750 Chipper Truck.

Approval Recommended?

Yes

Item Details

Pursuant to NCGS 143-129 and Town Resolution dated February 1, 2002, the Purchasing Manager is authorized to bid and award purchase contracts in formal bidding range. The Purchasing manager is required to report such contract awards at the first Council meeting following the award of the contract.

Formal bids were submitted on April 14, 2022 at 2:00 PM for 2022 F750 Chipper Truck. Bid was awarded to Crossroads Ford of Apex based on price.

Attachments

- Buyer's Order Bid



Date: 04/06/2022



VEHICLE BUYER'S ORDER

Buyer Name and Address 240630 TOWN OF APEX 105 UPCHURCH ST. APEX NC 27502	Co-Buyer Name and Address N/A	Seller Name and Address CROSSROADS FORD, INC. 1501 N SALEM ST APEX NC 27502
Email: Phone: (919) 249-3374 Cell: (845) 705-0582	Email: N/A Phone: N/A Cell: N/A	Salesperson: Deal Number: 439710

THIS BUYER'S ORDER IS FOR THE FOLLOWING NEW USED CAR TRUCK TO BE DELIVERED ON OR ABOUT 04/06/2022

Year	Make	Model	Type	Trim	Color	Mileage	Stock #
2022	FORD TRUCK	S-DTY F-75	REG CAB			250	T280517

TRADE IN RECORD 1				VIN 1FDWF7DEXNDF07006			
YR. N/A	MAKE N/A	MODEL N/A	TYPE N/A	PRICE OF VEHICLE	\$ 113525.00		
COLOR N/A	TRIM N/A	MILEAGE N/A		DEALER ACCESSORIES:			
VIN N/A							N/A
TITLE NO. N/A	PLATE NO. N/A	EXP. DATE N/A					N/A
OWNER N/A	LOAN # N/A						N/A
LIENHOLDER N/A	PHONE N/A						N/A
ADDRESS N/A	SPOKE WITH N/A						N/A
AMOUNT N/A	GOOD TILL N/A	VERIFIED BY N/A					N/A

TRADE IN RECORD 2							
YR. N/A	MAKE N/A	MODEL N/A	TYPE N/A				
COLOR N/A	TRIM N/A	MILEAGE N/A					
VIN N/A							
TITLE NO. N/A	PLATE NO. N/A	EXP. DATE N/A					
OWNER N/A	LOAN # N/A						
LIENHOLDER N/A	PHONE N/A						
ADDRESS N/A	SPOKE WITH N/A						
AMOUNT N/A	GOOD TILL N/A	VERIFIED BY N/A					

COLLISION COVERAGE							
NAME OF AGENT	PHONE						
ADDRESS							
POLICY NUMBER	COLLISION DEDUCTIBLE			TOTAL DELIVERED PRICE	113525.00		
INSURANCE CO.	SPOKE WITH			TRADE-IN ALLOWANCE(S)	N/A		
EFFECTIVE DATE	EXP. DATE	VERIFIED BY		CASH PRICE OR TRADE DIFFERENCE	113525.00		

NOTICE PROVIDED IN ACCORDANCE WITH N.C.G.S. 20-101.2 Dealer may receive a fee, commission or other compensation for providing, procuring or arranging financing for the retail purchase or lease of a motor vehicle, for which Buyer may be responsible.							
DEALER ADMINISTRATIVE FEE The Dealer Administrative Fee represents Dealer costs such as administrative services, notary services, courier expense and cleaning, inspecting and adjusting new and used vehicle inventories as well as additional Dealer profit. It is not a government fee.							
NEGATIVE EQUITY Buyer is aware the balance owed on Buyer's trade-in exceeds the trade-in allowance offered by Dealer. Accordingly, Buyer understands that <u>N/A</u> will be paid off on Buyer's behalf to <u>N/A</u> and this amount is included when computing the "balance due."							
				PLUS: DEALER ADMINISTRATIVE FEE	199.00		
				PLUS: HIGHWAY USE TAX	N/A		
				PLUS: TAG, TITLE, AND REGISTRATION FEE	1.00		
				PLUS: PAYOFF ON TRADE VEHICLE(S)	N/A		
				TOTAL BALANCE	\$ 113725.00		
				LESS INITIAL PAYMENT/CASH DOWN	N/A		
				LESS REBATE/FACTORY INCENTIVE	N/A		
				BALANCE DUE	\$ 113725.00		

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Motion

Motion to appoint Sarah Soh as a new Planning Board member.

Approval Recommended?

Yes

Item Details

Mayor Gilbert recommends Sarah Soh be named to the Planning Board seat vacated by Tommy Pate on April 26, 2022; the remainder of the unexpired term runs through December 31, 2022.

Attachments

- Cognito Interest Form - Sarah Soh



Planning Board

Advisory Board Interest Form

Candidate Contact Information

Legal Name
Sarah Soh

Preferred First Name

Address
3269 Bellamy Ridge Dr, Apex, North Carolina 27523

Email

Mobile Phone

Alternate Phone (work/home)

Do you live within the Apex town limits?
Yes

Background Information

Current Employer

Current Job Title
Senior Project Architect

Tell us why you would like to serve?

I am currently on leave and a stay at home mom. We moved to Apex last year and would like to volunteer to help use my skillset on behalf of Apex Township. With all the construction around, I feel this is my calling.

Please list any education, special skills, or experience you have that would be useful while considering this form.

Licensed Architect, worked in the industry for 18 years now, worked on many different types of projects, graduated from University of Pennsylvania with a Master degree in Architecture (2003) and received Bachelor degree in Architecture (2001) from University of Florida. Not sure if this is useful but I taught Architecture design classes at CUNY, City University of New York, and at Georgia Institute of Technology.

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

I have no experience serving on town boards, but I am currently on the HOA Board for our community called Lake Castleberry. I have experience serving on the board for American Institute of Architects, Philadelphia Chapter.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Motion to set Public Hearing for the May 24, 2022 Town Council meeting regarding Rezoning Application #22CZ01 Arden at Summit Pines PUD. The applicant, Collier Marsh, FC Apex, LLC., seeks to rezone approximately 11.74 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8200 Jenks Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

The property to be rezoned is identified as PIN 0722577336.

Attachments

- Vicinity Map
- Application



Rezoning #22CZ01

Sunnybrook Farms

Westford Apartments

Townes at Westford



PLANNED UNIT DEVELOPMENT APPLICATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: ~~0720~~ 22CZ01 Submittal Date: January 3, 2022
Fee Paid: \$ 1720 Check #: Charge

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Arden at Summit Pines
Address(es): 8200 Jenks Road, Apex, NC 27523
PIN(s) 0722577336

Acreage: 11.74
Current Zoning: Rural Residential (RR) Proposed Zoning: Planned Unit Development Conditional Zoning (PUD-CZ)

Current 2045 LUM Designation: Office Employment and Commercial Services

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No
*A FLUM amendment is proposed to add High Density Residential to the FLUM designation

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use: Acreage: 11.74
Area proposed as non-residential development: Acreage: 3.522
Percent of mixed use area proposed as non-residential: Percent: 30%

Applicant Information

Name: FC Apex, LLC c/o Collier Marsh
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: (919) 835-4663 E-mail: colliermarsh@parkerpoe.com

Owner Information

Name: R. Michael Strickland, as Trustee of the Charles H Young, Jr. Family Trust
Address: 138 Wee Loch Drive
City: Cary State: NC Zip: 27511-3885
Phone: 919-782-6860 E-mail: Mike.Strickland@youngmoorelaw.com

Agent Information

Name: FC Apex, LLC c/o Collier Marsh
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: (919) 835-4663 E-mail: colliermarsh@parkerpoe.com

Other contacts: _____

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 22CZ01

Submittal Date: January 3, 2022

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest. Use additional pages as needed.

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The property is designated as Office Employment/Commercial Services on the FLUM. The proposed rezoning includes a request to amend the FLUM designation to Office Employment/Commercial Services/High Density Residential. The proposed Planned Unit Development will facilitate the development of senior housing and commercial uses along Jenks Road in furtherance of the Comprehensive Plan's goal to place commercial services on thoroughfares and near residential communities. The Commercial District will be a minimum of 30% of the site as shown on the Concept Plan.

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

The uses permitted by the PUD - including the senior housing community and commercial uses - are compatible with the character of existing and planned uses in the surrounding area. This area of the Town's ETJ is at an intersection between growing sections of northwest Apex and historically rural western Wake County. Although adjacent properties to the north and west are currently undeveloped, the Property is directly across the street from the Westford PUD. The Villages at Westford Apartments are directly across Jenks Road to the southeast. The Villages at Westford Apartments are a 296 unit apartment complex, with a clubhouse and pool, that were constructed in 2019 as part of the Westford PUD. Further South across Jenks Road is an undeveloped portion of the Westford PUD referred to as area A1. Under the Westford PUD, Area A1 could be developed for a variety of residential or commercial uses including Multi-Family, Single Family, Restaurant, Office, Convenience Store with Gas Sales, and Grocery Store. Arden at Summit Pines will be compatible with the existing Westford Apartments and future development of the Westford PUD because it will provide complimentary uses to the existing and proposed uses of the Westford PUD. Arden at Summit Pines' age restricted Residential District will provide a greater variety of housing options and Arden at Summit Pines' Commercial District offers a greater mix of nonresidential uses that will serve and support residential development in the area. Design standards are also proposed to respect the existing character of the surrounding area.

3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.

The proposed development will comply with Section 4.4 Supplemental Standards, to the extent these regulations do not conflict with regulations contained in the PUD.

PETITION PROCESS INFORMATION

4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

Trash, parking and loading, and odors will be screened from adjacent uses as required by the UDO and as set forth in the PUD. More intense commercial uses are only permitted in the Commercial District which fronts on Jenks Road. Additionally, the PUD includes several architectural standards which commit to quality building materials and design to minimize adverse visual effects on neighboring properties.

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The property is not within a designated current or future 100 year floodplain but is located within the Beaver Creek and White Oak Creek Drainage Basins. Accordingly, the Property is within the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.7. The PUD will include a minimum 25% Resource Conservation Area. Further, the PUD contains additional environmental commitments including installation of wetland educational signs, pet waste stations, solar conduit, electric vehicle charging stations, light sensors on exterior lights, and light shields on outdoor lighting.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

Public water and sewer facilities are available to the property. The proposed development will meet all Public Facilities requirements in UDO Section 2.3.4(F)(1)(f).

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

The requested PUD will improve the public health and welfare by facilitating the development of needed senior housing in close proximity to future commercial services. It will also improve welfare by facilitating the development of commercial uses along Jenks Road, a thoroughfare. The PUD will improve traffic flow by providing traffic improvements along Jenks Road and facilitating a future east/west connector street as set forth in the PUD.

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

Uses permitted under the PUD will not be substantially detrimental to adjacent properties. The Congregate Living Facility use is limited to 160 senior housing units and Commercial Uses are only permitted in the Commercial District and limited by design standards contained in the PUD.

PETITION PROCESS INFORMATION

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

The proposed PUD will not constitute a hazard due to traffic or noise. Traffic impacts will be mitigated by road improvements contained in the PUD. Other potential negative impacts are mitigated by the maximum density and other design guidelines contained in the PUD.

10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

The PUD will be governed by the regulations contained in the attached PUD and Concept Plan. The PUD will comply with all other regulations of the UDO to the extent they do not conflict with the PUD regulations.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ01 Submittal Date: 1/3/2022

Fee for Initial Submittal: No Charge Fee for Name Change after Approval: \$500*

Purpose

To provide a consistent and clearly stated procedure for the naming of subdivisions and/or developments and entrance roadways (in conjunction with *Town of Apex Address Policy*) so as to allow developers to define and associate the theme or aesthetics of their project(s) while maintaining the Town's commitment to preserving the quality of life and safety for all residents of Apex proper and extraterritorial jurisdiction.

Guidelines

- ✓ The subdivision/development name shall not duplicate, resemble, or present confusion with an existing subdivision/development within Apex corporate limits or extraterritorial jurisdiction except for the extension of an existing subdivision/development of similar or same name that shares a continuous roadway.
- ✓ The subdivision/development name shall not resemble an existing street name within Apex corporate limits or extraterritorial jurisdiction unless the roadway is a part of the subdivision/development or provides access to the main entrance.
- ✓ The entrance roadway of a proposed subdivision/development shall contain the name of the subdivision/development where this name does not conflict with the Town of Apex *Road Name Approval Application* and *Town of Apex Address Policy* guidelines.
- ✓ The name "Apex" shall be excluded from any new subdivision/development name.
- ✓ Descriptive words that are commonly used by existing developments will be scrutinized more seriously in order to limit confusion and encourage distinctiveness. A list of commonly used descriptive words in Apex's jurisdiction is found below.
- ✓ The proposed subdivision/development name must be requested, reviewed and approved during preliminary review by the Town.
- ✓ A \$500.00 fee will be assessed to the developer if a subdivision/development name change is requested after official submittal of the project to the Town.*

*The imposed fee offsets the cost of administrative changes required to alleviate any confusion for the applicant, Planning staff, other Town departments, decision-making bodies, concerned utility companies and other interested parties. There is no charge for the initial name submittal.

Existing Development Titles, Recurring

	Residential	Non-Residential
10 or more	Creek, Farm(s), Village(s),	Center/Centre
6 to 9	Crossing(s), Park, Ridge, Wood(s)	Commons, Park
3 to 5	Acres, Estates, Glen(s), Green*, Hills	Crossing(s), Plaza, Station, Village(s)

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ01

Submittal Date: 1/3/2022

Proposed Subdivision/Development Information

Description of location: 8200 Jenks Road

Nearest intersecting roads: Jenks Road/Lowell Road

Wake County PIN(s): 0722577336

Township: White Oak

Contact Information (as appropriate)

Contact person: Kevin Woodley; c/o Collier Marsh

Phone number: 919-835-4663 Fax number: N/A

Address: 301 Fayetteville Street, Raleigh, NC 27601

E-mail address: colliermarsh@parkerpoe.com

Owner: R. Michael Strickland, as Trustee of the Charles H Young, Jr. Family Trust

Phone number: _____ Fax number: _____

Address: 138 Wee Loch Drive, Cary, NC 27511

E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: Arden at Summit Pines

2nd Choice (Optional): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff

Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 22CZ01

Submittal Date: 1/3/22

**Town of Apex
73 Hunter Street
P.O. Box 250 Apex, NC 27502
919-249-3400**

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

8200 Jenks Road

(the "Premises")

The Town of Apex offers to provide you with electric utilities on the terms described in this Offer & Agreement. If you accept the Town's offer, please fill in the blanks on this form and sign and we will have an Agreement once signed by the Town.

FC Apex, LLC, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

The sale, delivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance with, all the terms and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the Town.

Customer understands that the Town, based upon this Agreement, will take action and expend funds to provide the requested service. By signing this Agreement the undersigned signifies that he or she has the authority to select the electric service provider, for both permanent and temporary power, for the Premises identified above.

Any additional terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this Agreement constitutes the entire agreement of the parties.

Acceptance of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.

Please note that under North Carolina General Statute §160A-332, you may be entitled to choose another electric supplier for the Premises.

Upon acceptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric service to the Premises and looks forward to working with you and the owner(s).

ACCEPTED:

CUSTOMER: FC Apex, LLC

TOWN OF APEX

BY: [Signature]
Authorized Agent

BY: _____
Authorized Agent

DATE: 12/26/21

DATE: _____

AGENT AUTHORIZATION FORM

Application #: 22CZ01 Submittal Date: 1/3/22

R. Michael Strickland, Trustee of the Family Trust under Item VI of the Will of Charles H. Young, Jr. is the owner* of the property for which the attached application is being submitted.

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: Annexation Petition

The property address is: 8200 Jenks Road, Apex, NC 27523

The agent for this project is: Kevin Woodley

I am the owner of the property and will be acting as my own agent

Agent Name: Kevin Woodley

Address: 7315 Wisconsin Avenue, Suite 925W, Bethesda, Maryland 20814

Telephone Number: 301-654-8802

E-Mail Address: kwoodley@buvermo.com

Signature(s) of Owner(s)*

R. Michael Strickland, Trustee of the Family Trust under Item VI of the Will of Charles H. Young, Jr.

R Michael Strickland

R. Michael Strickland, Trustee

12/21/21

Date

Martha Heafner

Martha Heafner

12-27-21

Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ01

Submittal Date: 1/3/22

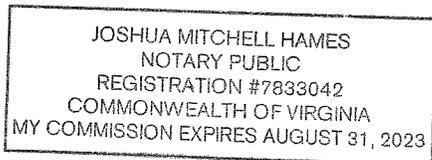
The undersigned, Kevin Woodley (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the authorized agent of all owners of the property located at 8200 Jenks Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
4. To Affiant's knowledge, no claim or action has been brought against against the owners of the property which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.
5. This the 29 day of December, 2021.

By: [Signature]
Kevin Woodley

Virginia
STATE OF ~~NORTH CAROLINA~~
COUNTY OF Fairfax

I, the undersigned, a Notary Public in and for the County of Fairfax, hereby certify that Kevin Woodley, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Kevin Woodley, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

[Signature]
Notary Public
State of ~~North Carolina~~ Virginia
My Commission Expires: 08/31/2023

Arden at Summit Pines

Legal Description for PUD Rezoning

PIN# (0722-57-7336)

Beginning at an iron rod on the North right of way of Jenks Road (NCSR 1601) Wake County, NC approximately 721 feet North of the intersection of Jenks Road and U.S. Highway 64 and having a NC State Plane NAD 83 (NSRS 2011) coordinate value of N: 726,615.24 E: 2,025,311.55 and being the point of beginning. Thence from the point of beginning N 00° 37' 29" E 432.30' to an iron rod set. Thence N 01° 57' 10" E 668.64' to an iron bar found at the Northwest corner of the parcel. Thence S 88° 55' 43" E 682.49' to an iron bar found at the Northeast corner of the parcel. Thence S 00° 21' 58" W 380.02' to an Iron pin found on the North right of way of Jenks Road. Thence along the North right of way of Jenks Road the following courses:

S 44° 34' 19" W 105.01' to an iron rod set

S 45° 15' 51" W 376.98' to an iron rod set

S 45° 13' 33" W 395.43' to an iron rod set

S 44° 33' 52" W 63.09' to an iron rod set

S 42° 51' 20" W 60.24' to an iron rod set being the point of beginning. Parcel contains 511,581 SF or 11.744 Acres.



Wake County Residential Development Notification

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to:
studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	FC Apex, LLC
Company Phone Number	301-654-8802
Developer Representative Name	Kevin Woodley
Developer Representative Phone Number	301-654-8802
Developer Representative Email	kwoodley@buvermo.com

New Residential Subdivision Information	
Date of Application for Subdivision	TBD
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Arden at Summit Pines
Address of Subdivision (if unknown enter nearest cross streets)	8200 Jenks Road
REID(s)	0035451
PIN(s)	0722577336

Projected Dates Information	
Subdivision Completion Date	2023
Subdivision Projected First Occupancy Date	2024

Lot by Lot Development Information																
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates				
								Min	Max	Low	High	Year	# Units	Year	# Units	Year
Single Family																
Townhomes																
Condos																
Apartments	159	159						TBD	TBD	TBD	TBD	2024	159			
Other																

Revised 08/10/2018

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

November 12, 2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at

8200 Jenks Road, Apex, NC 27523

0722577336

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

An Electronic Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/> Special Use Permit	Town Council (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

The applicant proposed to rezone the property to Planned Unit Development - Conditional Zoning that will include

a combination of senior living and commercial uses. Additional information will be provided at the meeting.

Estimated submittal date: December 1, 2021

MEETING INFORMATION:

Property Owner(s) name(s): Michael R. Strickland, as Trustee of the Charles H Young, Jr. Family Trust

Applicant(s): FC Apex, LLC c/o Collier Marsh

Contact information (email/phone): colliermarsh@parkerpoe.com; (919) 835-4663

Electronic Meeting invitation/call in info: See accompanying letter with Zoom instructions

Date of meeting**: November 17, 2021

Time of meeting**: 6:00 PM - 8:00 PM

MEETING AGENDA TIMES:

Welcome: 6:00 PM Project Presentation: between 6:00 - 8:00 PM Question & Answer: between 6:00 - 8:00 PM

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning>.

November 12, 2021

Re: Notice of Virtual Neighborhood Meeting

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on November 29, 2021 from 6–8pm. The purpose of the meeting is to discuss an upcoming application to rezone a parcel of land located at 8200 Jenks Road, Apex, NC 27523 (PIN 0722577336) (the “Property”). The Property is currently zoned Rural Residential (RR) and is proposed to be rezoned to Planned Unit Development-Conditional Zoning (PUD-CZ).

The applicant is proposing a rezoning to Planned Unit Development Conditional Zoning and proposes a combination of senior living and commercial uses. During the meeting, the applicant will describe the nature of this rezoning request and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the subject parcel; (2) a zoning map of the subject area; (3) a preliminary concept plan of the Planned Unit Development; (4) a project contact information sheet; and (5) a common construction issues & who to call information sheet.

The meeting will be held virtually. You can participate online via Zoom or by telephone. To participate in the Zoom online meeting:

Visit:	https://zoom.us/join
Enter the following meeting ID:	823 5712 5752
Enter the following password:	512847

To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	823 5712 5752 #
Enter the Participant ID:	#
Enter the Meeting password:	512847 #

If you have any questions about this rezoning, please contact me at (919) 835-4663 or via email at colliermarsh@parkerpoe.com.

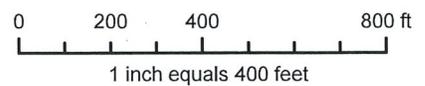
Thank you,

Collier Marsh



8200 Jenks Road

Vicinity Map



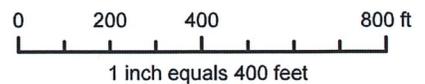
Disclaimer
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



8200 Jenks Road

Zoning Map

Current Zoning: RR



Disclaimer
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PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:

Project Name: Arden at Apex Zoning: Rural Residential (RR)
 Location: 8200 Jenks Road, Apex, NC 27523
 Property PIN(s): 0722577336 Acreage/Square Feet: 11.83 acres

Property Owner: Michael R. Strickland, Trustee of Martha Young Heafner Family Trust
 Address: 138 Wee Loch Drive
 City: Cary State: NC Zip: 27511-3885
 Phone: _____ Email: _____

Developer: FC Apex LLC c/o Collier Marsh
 Address: 301 Fayetteville Street, Suite 1400
 City: Raleigh State: NC Zip: 27601
 Phone: 919-835-4663 Fax: 919-834-4564 Email: colliermarsh@parkerpoe.com

Engineer: ESE of North Carolina, PC
 Address: 900 Perimeter Park Drive, Suite B3
 City: Morrisville State: NC Zip: 27560
 Phone: 919-417-3051 Fax: _____ Email: jbrown3@eseconsultants.com

Builder (if known): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Format: Remote via Zoom
 Date of meeting: November 29, 2021 Time of meeting: 6:00 PM - 8:00 PM
 Property Owner(s) name(s): R. Michael Strickland, Trustee
 Applicant(s): Kevin Woodley

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Collier Marsh, Parker Poe	301 Fayetteville Street, Raleigh, NC 27601		colliermarsh@parkerpoe.com	
2.	Matthew Carpenter, Parker Poe	301 Fayetteville Street, Raleigh, NC 27601		matthewcarpenter@parkerpoe.com	
3.	Kevin Woodley, FC Apex, LLC	7315 Wisconsin Avenue, Suite 925W, Bethesda, Maryland 20814		kwoodley@buvermo.com	
4.	Justin Brown, ESE	5400 Trinity Road, Suite 204 Raleigh, NC 27607		jbrown3@eseconsultants.com	
5.	Paul Stephenson (Neighbor)	110 Mackenan Drive, Cary, NC 27511	not provided	not provided	n/a
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): R. Michael Strickland Trustee

Applicant(s): Kevin Woodley

Contact information (email/phone): _____

Meeting Format: Remote via Zoom

Date of meeting: November 29, 2021 Time of meeting: 6:00 PM - 8:00 PM

Please summarize the questions/comments and your response from the Electronic Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:

What is planned for the development?

Applicant's Response:

Approximately 159 senior housing units on the residential portion and general commercial uses on the commercial portion fronting on Jenks Road.

Question/Concern #2:

N/A

Applicant's Response:

N/A

Question/Concern #3:

N/A

Applicant's Response:

N/A

Question/Concern #4:

N/A

Applicant's Response:

N/A

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Collier Marsh, do hereby declare as follows:

 Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via Remote via Zoom (indicate format of meeting) on November 29, 2021 (date) from 6:00 PM (start time) to 8:00 PM (end time).
4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

12/28/21

 Date

By: [Signature]

 Collier Marsh

STATE OF NORTH CAROLINA
 COUNTY OF WAKE

Sworn and subscribed before me, Matthew J. Carpenter, a Notary Public for the above State and County, on this the 28th day of December, 2021.

SEAL

[Signature]

 Notary Public
Matthew J. Carpenter

 Print Name

My Commission Expires: 2/7/2024



1

Notice List for Neighborhood Meeting

SITE ADDRESS	PIN_NUM	OWNER	MAILING ADDRESS	
15000 FLETCHERSTONE WAY	0722676551	89 MF VILLAGE WEST OWNER LLC	REVNATAGE TAX	PO BOX 43678
1400 WIMBERLY RD	0722484517	CARY TOWN OF APEX TOWN OF	PO BOX 8005	CARY NC 27512-8005
8108 JENKS RD	0722673959	OCHOCKI TERRY	8108 JENKS RD	APEX NC 27539-9423
8321 JENKS RD	0722662228	GOC REAL ESTATE CO LLC	110 MACHENAN DR STE 300	CARY NC 27511-7901
8300 JENKS RD	0722571169	PAN-EDUCATIONAL SERVICES INC	1220 GOOQVNR RD	APEX NC 27523-8778
8200 JENKS RD	0722277338	STRICKLAND, R MICHAEL TRUSTEE OF FAMILY TRUST (WILL OF C H YOUNG JR)	MARTHA YOUNG HEARNER	138 WEE LOCH DR
8170 JENKS RD	0722671588	TOWN OF APEX	PO BOX 295	APEX NC 27529-0250
3300 US 64 HWY W	0722660502	WESTFORD COMMERCIAL WEH LP	2900 LINDEN LN STE 300	SILVER SPRING MD 20910-1265
8308 JENKS RD	0722477065	WHITFIELD, CORIS JENKS	3833 BACHELOR CREEK DR	ASHBORO NC 27205-2141
		Current Tenant	13101 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13102 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13103 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13104 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13105 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13106 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13107 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13108 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13201 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13202 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13203 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13204 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13205 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13206 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13207 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13208 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13301 Fletcherstone WAY	APEX NC 27523
		Current Tenant	13302 Fletcherstone WAY	APEX NC 27523
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		Current Tenant	20101 Fletcherstone WAY	APEX NC 27523
		Current Tenant	20102 Fletcherstone WAY	APEX NC 27523
		Current Tenant	20103 Fletcherstone WAY	APEX NC 27523
		Current Tenant	20104 Fletcherstone WAY	APEX NC 27523
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		Current Tenant	20201 Fletcherstone WAY	APEX NC 27523
		Current Tenant	20202 Fletcherstone WAY	APEX NC 27523
		Current Tenant	20203 Fletcherstone WAY	APEX NC 27523
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		Current Tenant	20205 Fletcherstone WAY	APEX NC 27523
		Current Tenant	20206 Fletcherstone WAY	APEX NC 27523
		Current Tenant	20207 Fletcherstone WAY	APEX NC 27523
		Current Tenant	20208 Fletcherstone WAY	APEX NC 27523
		Current Tenant	20301 Fletcherstone WAY	APEX NC 27523
		Current Tenant	20302 Fletcherstone WAY	APEX NC 27523

8200_Jenks_Rd_Notification_List.xls

Current Tenant	11303 Haybeck LN	APEX NC 27523
Current Tenant	11304 Haybeck LN	APEX NC 27523
Current Tenant	11305 Haybeck LN	APEX NC 27523
Current Tenant	11306 Haybeck LN	APEX NC 27523
Current Tenant	11307 Haybeck LN	APEX NC 27523
Current Tenant	11308 Haybeck LN	APEX NC 27523
Current Tenant	6308 Jenks RD	APEX NC 27523

6200_jenks_Rd_Notification_List.xls

EXHIBIT B
Legal Description
The Property

BEGINNING AT AN IRON ROD ON THE NORTH RIGHT OF WAY OF JENKS ROAD (NCSR 1601) WAKE COUNTY, NC APPROXIMATELY 721 FEET NORTH OF THE INTERSECTION OF JENKS ROAD AND U.S. HIGHWAY 64 AND HAVING A NC STATE PLANE NAD 83 (NSRS 2011) COORDINATE VALUE OF N: 726,615.24 E: 2,025,311.55 AND BEING THE POINT OF BEGINNING. THENCE FROM THE POINT OF BEGINNING N 00° 37' 29" E 432.30' TO AN IRON ROD SET. THENCE N 01° 57' 10" E 668.64' TO AN IRON BAR FOUND AT THE NORTHWEST CORNER OF THE PARCEL. THENCE S 88° 55' 43" E 682.49' TO AN IRON BAR FOUND AT THE NORTHEAST CORNER OF THE PARCEL. THENCE S 00° 21' 58" W 380.02' TO AN IRON PIN FOUND ON THE NORTH RIGHT OF WAY OF JENKS ROAD. THENCE ALONG THE NORTH RIGHT OF WAY OF JENKS ROAD THE FOLLOWING COURSES:

S 44° 34' 19" W 105.01' TO AN IRON ROD SET

S 45° 15' 51" W 376.98' TO AN IRON ROD SET

S 45° 13' 33" W 395.43' TO AN IRON ROD SET

S 44° 33' 52" W 63.09' TO AN IRON ROD SET

S 42° 51' 20" W 60.24' TO AN IRON ROD SET BEING THE POINT OF BEGINNING. PARCEL CONTAINS 511,581 SF OR 11.744 ACRES.

PAYMENT DATE
01/05/2022
COLLECTION STATION
Paralee Smith
RECEIVED FROM
ARQC

TOWN OF APEX
P O BOX 250
APEX, NC 27502
(919) 362-8676 - Utility Payments
(919) 249-3418 - Permits Only
(919) 249-3426 - Planning & Zoning Only

BATCH NO.
2022-00002095
RECEIPT NO.
2022-00127433
CASHIER
Paralee Smith

DESCRIPTION

Annexation Summit at Arden Pines - 2022-00000002 & Rezoning #22CZ01 Arden at Summit Pines PUD -
2022-00000002 Credit card

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT						
PPC	PROJECT PLANNING CENTER FEES Annexation Summit at Arden Pines - 2022-00000002	\$200.00						
PPC	PROJECT PLANNING CENTER FEES Rezoning #22CZ01 Arden at Summit Pines PUD - 2022-00000002	\$1,720.00						
Payments:	<table border="1"> <thead> <tr> <th>Type</th> <th>Detail</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Other</td> <td></td> <td>\$1,920.00</td> </tr> </tbody> </table>	Type	Detail	Amount	Other		\$1,920.00	
	Type	Detail	Amount					
Other		\$1,920.00						
<p style="text-align: right;">Total Amount:</p>		\$1,920.00						

ARDEN AT SUMMIT PINES

Planned Unit Development

Apex, North Carolina

Submittal Dates

First Submittal: January 3, 2022
Second Submittal: February 11, 2022
Third Submittal: March 11, 2022
Fourth Submittal: April 8, 2022
Fifth Submittal: April 27, 2022

Developer

FC Apex, LLC
7315 Wisconsin Avenue, Suite 925 W
Bethesda, MD 20814

Civil Engineer

ESE of North Carolina, PC
5400 Trinity Road, Suite 204
Raleigh, NC 27607

Land Use Attorneys

Parker Poe Adams & Bernstein LLP
301 Fayetteville Street, Suite 1400
Raleigh, NC 27602

TABLE OF CONTENTS

VICINITY MAP.....3

PROJECT DATA4

PURPOSE STATEMENT5

PERMITTED USES8

AFFORDABLE HOUSING.....10

DESIGN CONTROLS11

ARCHITECTURAL STANDARDS13

PARKING AND LOADING17

SIGNAGE17

NATURAL RESOURCES AND ENVIRONMENTAL DATA17

STORMWATER MANAGEMENT18

PARKS AND RECREATION18

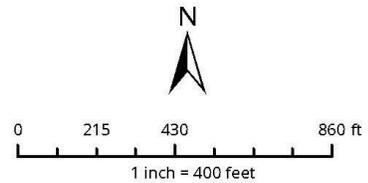
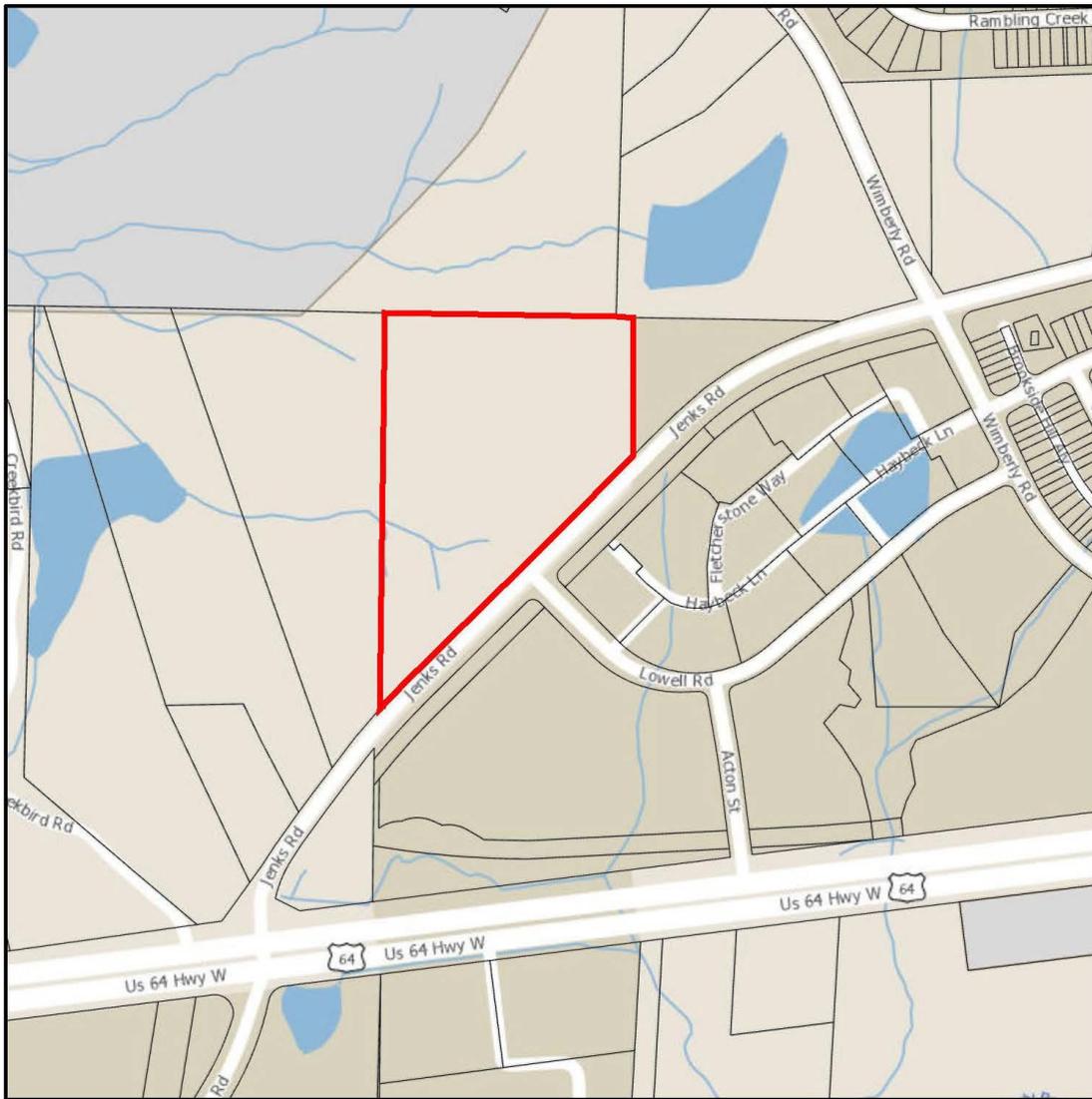
PUBLIC FACILITIES19

PHASING20

CONSISTENCY WITH LAND USE PLAN20

COMPLIANCE WITH UDO20

VICINITY MAP



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PROJECT DATA

Name of Project: Arden at Summit Pines

Property Owner: R. Michael Strickland, Trustee of the Family Trust
under Item VI of the Will of Charles H. Young, Jr.
138 Wee Loch Drive
Cary, NC 27511

Developer: FC Apex, LLC
7315 Wisconsin Avenue, Suite 925 W
Bethesda, MD 20814

Prepared by: Parker Poe Adams & Bernstein LLP
301 Fayetteville Street, Suite 1400
Raleigh, NC 27601

ESE of North Carolina, PC
5400 Trinity Road, Suite 204
Raleigh, NC 27607

Current Zoning: Rural Residential (RR)

Proposed Zoning: Planned Unit Development-Conditional Zoning
(PUD-CZ)

Current 2045 Land Use Map Designation: Office Employment/Commercial Services

Proposed 2045 Land Use Map Designation: Office Employment/Commercial Services/
High Density Residential

Site Address: 8200 Jenks Road, Apex, NC 27523

Property Identification Number: 0722577336

Total Acreage: 11.744 acres

Area Designated as Mixed Use on 2045 LUM: None

Area Proposed as Non-Residential: 30% or greater

PURPOSE STATEMENT

This document and the accompanying exhibits submitted herewith (collectively, the “PUD”) are provided pursuant to the Town of Apex Unified Development Ordinance (“UDO”) Planned Unit Development provisions. The PUD addresses the development of a 11.74 acre site fronting on Jenks Road, less than one quarter mile from the intersection of Jenks Road and US 64 W (the “Property”). The Property is undeveloped and within the Town’s Extraterritorial Planning jurisdiction. Arden at Summit Pines will be a mixed use development with two districts: the Residential District and the Commercial District.

Arden at Summit Pines’ Residential District will be an active adult, age-restricted community with congregate-care style living, controlled access, interior corridors and elevators, walking paths, fitness centers, and natural areas (the “Development”). Arden at Summit Pines will offer residents the opportunity to live independently in a community designed to fit the resident’s needs. Arden at Summit Pines will offer amenities such as a community dining room, craft/business center, library, and other amenities catered towards an active senior demographic. To ensure affordability to middle market senior residents, Arden at Summit Pines will provide some services through third party partnerships including access to care and personal services such as dining, housekeeping, transportation, home and grounds maintenance, and security. Arden at Summit Pines also ensures affordability through commitments to provide Affordable Housing units within the community. The PUD is intended to create flexibility in design and land uses to deliver a high quality senior living community to meet the burgeoning demand for senior housing. The Residential District shall be limited to a maximum of 160 residential dwelling units.

Arden at Summit Pines’ Commercial District proposes office, retail sales, and retail services in a prominent location along the site’s Jenks Road frontage. This proposed commercial district ensures mixed uses within the development and fulfills the Apex Comprehensive Plan’s (“Peak Plan”) goal of placing commercial services on thoroughfares and near residential communities. The Commercial District will be a minimum of 30% of the site as shown on the Concept Plan.

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

(i) *The uses proposed to be developed in the PD plan for PUD-CZ are those uses permitted in Sec. 4.2.2 Use Table*

RESPONSE: The uses permitted within The Arden PUD are uses listed in UDO Section 4.2.2. Permitted uses within each District are set forth in Section 5 of the PUD.

(ii) *The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must*

be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.

RESPONSE: The PUD is separated into two districts – the Residential District and the Commercial District. Maximum densities for each district are established by the PUD. The Development will include a minimum of 30% of the site as non-residential area as shown on the Concept Plan.

(iii) *The dimensional standards in Sec. 5.1.3 Table of Intensity and Dimensional Standards, Planned Development Districts may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.*

RESPONSE: This PUD specifies intensity and dimensional standards for the Residential District and Commercial District. The PUD’s standards are consistent with the UDO’s vision for Planned Unit Developments. Except as specifically stated in this PUD, Arden at Summit Pines will comply with all other requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the North Carolina Fire Code.

(iv) *The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Advance Apex: The 2045 Transportation Plan and the Town of Apex Standard Specifications and Standard Details, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Advance Apex: The 2045 Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.*

RESPONSE: As shown on the attached Concept Plan, Arden at Summit Pines will feature sidewalks and pedestrian paths throughout. Sidewalks will connect the Residential District to the Commercial District, increasing walkability between uses. The PUD also commits to significant Right of Way dedication and roadway improvements called for by the Transportation Plan.

(v) *The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.*

RESPONSE: As shown in the Concept Plan, Arden at Summit Pines will feature sidewalks and pedestrian paths throughout. Sidewalks will connect the Residential District to the Commercial District, increasing walkability between uses. Arden at Summit Pines will not include cul-de-sacs.

- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.***

Arden at Summit Pines is compatible with the character of the existing and planned uses in the surrounding area. This area of the Town's ETJ is at the intersection between growing sections of northwest Apex and historically rural, western Wake County. Although adjacent properties to the north and west are currently undeveloped, the Property is directly across the street from the Westford PUD. The Villages at Westford Apartments are directly across Jenks Road to the southeast. The Villages at Westford Apartments are a 296 unit apartment complex, with a clubhouse and pool, that were constructed in 2019 as part of the Westford PUD. Further South across Jenks Road is an undeveloped portion of the Westford PUD referred to as area A1. Under the Westford PUD, Area A1 could be developed for a variety of residential or commercial uses including Multi-Family, Single Family, Restaurant, Office, Convenience Store with Gas Sales, and Grocery Store.

Arden at Summit Pines will be compatible with the existing Westford Apartments and future development of the Westford PUD because it will provide complimentary uses to the existing and proposed uses of the Westford PUD. Arden at Summit Pines' age restricted Residential District will provide a greater variety of housing options and Arden at Summit Pines' Commercial District offers a greater mix of nonresidential uses that will serve and support residential development in the area. Design standards are also proposed to respect the existing character of the surrounding area.

- (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.***

Arden at Summit Pines will feature high quality and thoughtful design. Architectural standards, design controls, and conceptual elevations are included in this PUD.

CONSISTENCY WITH CONDITIONAL ZONING STANDARDS

Arden at Summit Pines is consistent with the conditional zoning standards set forth in UDO Section 2.3.3.F.1-10. Please see the accompanying PUD-CZ Application for the statements of consistency addressing each standard.

PERMITTED USES

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

COMMERCIAL DISTRICT

The following uses shall be permitted in the Commercial District:

Restaurant, drive through	Permitted
Restaurant, general	Permitted
Medical or dental office or clinic	Permitted
Medical or dental laboratory	Permitted
Office, business or professional	Permitted
Publishing office	Permitted
Research facility	Permitted
Hotel or Motel	Permitted
Artisan Studio	Permitted
Barber and beauty shop	Permitted
Book store	Permitted
Convenience store	Permitted
Convenience store with gas sales	Permitted
Dry cleaners and laundry service	Permitted
Farmer's market	Permitted
Financial institution	Permitted
Floral shop	Permitted
Gas and fuel, retail	Permitted
Glass sales	Permitted
Greenhouse or nursery, retail	Permitted
Grocery, general	Permitted
Grocery, specialty	Permitted
Health/fitness center or spa	Permitted
Kennel	Permitted
Newsstand or gift shop	Permitted
Personal service	Permitted
Pharmacy	Permitted
Printing and copying service	Permitted

ARDEN AT SUMMIT PINES PLANNED UNIT DEVELOPMENT

Real estate sales	Permitted
Repair services, limited	Permitted
Retail sales, general	Permitted
Studio for art	Permitted
Tailor shop	Permitted
Upholstery shop	Permitted
Pet services	Permitted
Day care facility	Permitted
Veterinary Clinic or Hospital	Permitted
Utility, minor	Permitted

RESIDENTIAL DISTRICT

The following uses shall be permitted in the Residential District:

Residential*	
Congregate Living Facility**	Permitted
Multi-family or Apartment (age-restricted)	Permitted
Utility, minor	Permitted
Recreational Uses	
Park, active	Permitted
Greenway	Permitted
Park, passive	Permitted
Recreation facility, private	Permitted

*All residential uses in the Residential District shall be age-restricted as follows: 100% of all occupied units shall have as a resident at least one person age 55 or older.

**Congregate Living Facility as defined in UDO Section 4.3.1.C shall be modified as follows: A residential land use consisting of any building or section thereof, residence, private home, boarding home, or home for the aged, whether or not operated for profit, which provides one or more of the following amenities or services for persons not related to the owner or administrator by blood or marriage: food service, trash service, local transportation services, community library, programmed activities, salon services, and other personal services. The term shall not mean “nursing home,” “intermediate care facility,” or similar facility that provides medical care and support services to persons not capable of independent living.

AFFORDABLE HOUSING

A minimum of six (6) of the residential units (either Congregate Living Facility units as modified herein, or age-restricted (55 yrs. and older) multifamily/apartment units) constructed within the Development shall be designated as low-income restricted units (the "Affordable Units"). The bedroom mix of the Affordable Units shall include (4) one-bedroom units and two (2) two-bedroom units.

The Affordable Units shall be made available for rental such that the maximum rent limits per bedroom size and household income limits shall be no greater than sixty percent (60%) of the U.S. Department of Housing and Urban Development (HUD) Area Median Income (AMI) as stipulated by the most recently published North Carolina Housing Finance Agency (NCHFA) Low-Income Housing Tax Credit (LIHTC) Multifamily Tax Subsidy Program (MTSP) income and rent limits for the Wake Metropolitan area.

The Affordable Units shall be restricted for an affordability period of five (5) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordable Period") for the development. During the Affordable Period, the property owner shall be responsible for performing all administration duties to ensure compliance with this Affordable Housing condition and shall submit annual compliance reports to the Town verifying compliance with this Affordable Housing condition. Following completion of the Affordable Period, this Affordable Housing condition shall expire, the property owner shall be relieved of all obligations set forth in this Affordable Housing condition, and the Affordable Units may be freely marketed and leased at market-rate rents.

An affordable housing deed restriction shall be recorded against the property prior to the date of issuance of the first residential Certificate of Occupancy to memorialize these Affordable Housing terms.

DESIGN CONTROLS

UNIVERSAL DESIGN CONTROLS*

Total Project Area	11.74 acres
Maximum Built-Up Area	70% of gross site acreage
Minimum Resource Conservation Area	25% of gross site acreage

RESIDENTIAL DISTRICT DESIGN CONTROLS

Proposed Land Area	Maximum 6.87 acres
Maximum Residential Density	160 units
Required District Boundary Buffers	
Side Buffer	20 ft. Type A
Rear Buffer	20 ft. Type A
Front Buffer	None
Corner Side Buffer (Jenks Road)*	30 ft Type E Thoroughfare Buffer, Undisturbed / 50' Type E Thoroughfare Buffer, Disturbed
Minimum Setbacks**	
Front Setback***	None
Side Setback	10 ft.
Rear Setback	10 ft.
Corner Side Setback (Jenks Road)	10 ft.
Maximum Height	60 ft. (5 stories)

* Only along Jenks Road frontage.

** Notwithstanding any contrary UDO provision or language in this PUD, if the Property is subdivided, there shall be no minimum setback or buffer requirement along the future shared property line between the Residential District and the Commercial District.

***Measured from Residential/Commercial District boundary

COMMERCIAL DISTRICT DESIGN CONTROLS

Proposed Land Area	Minimum 3.522 acres
Required District Boundary Buffers	
Side Buffer	20 ft. Type A
Rear Buffer	None
Front Buffer	30 ft. Type E Thoroughfare Buffer, Undisturbed / 50' Type E Thoroughfare Buffer, Disturbed
Minimum Setbacks*	
Front Setback (Jenks Road)	10 ft.
Side Setback	10 ft.
Rear Setback**	10 ft.
Corner Side Setback	10 ft.
Maximum Height	50 ft.

*Notwithstanding any contrary UDO provision or language in this PUD, if the Property is subdivided, there shall be no minimum setback or buffer requirement along the future shared property line between the Residential District and the Commercial District.

**Measured from Residential/Commercial District boundary

LANDSCAPING, BUFFERING, AND SCREENING

All landscaping for this PUD shall comply with Section 8.2 Landscaping, of the Town of Apex UDO. Refer to PUD Preliminary Layout Plan for perimeter and streetscape buffers. In the event that the Commercial District and Residential District are subdivided, Buffers and screening shall not be required along the shared property line between the Residential District and the Commercial District.

ARCHITECTURAL STANDARDS

Arden at Summit Pines offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are conceptual examples. Final elevations must comply with these architectural standards but may vary from the conceptual elevations. Further details shall be provided at the time of Residential Master Subdivision Plan or Site Plan submittal.

Residential areas envisioned for Arden at Summit Pines will be comprised of age restricted congregate care style units with controlled access, interior corridors and elevators. While each of the architectural offerings proposed will have their own identity, a number of common threads will link the neighborhood, including color palettes, materials, and roofing. Elevations have been included below in an effort to represent the bulk, massing, scale, and architectural style of the development.

RESIDENTIAL DISTRICT DESIGN GUIDELINES

- Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
- Four of the following decorative features shall be used on each building:
 - decorative shake
 - board and batten siding
 - decorative porch rails and posts
 - shutters
 - decorative functional foundation and roof vents
 - decorative windows
 - decorative brick or stone
 - decorative gables
 - decorative cornices
 - metal roofing

PROPOSED RESIDENTIAL MATERIALS

Proposed materials and styles will be of a similar palette to provide consistency of character along with visual interest. Exterior materials that may be incorporated into any of the residential building products include:

- Cementitious lap, board and batten, and/or shake and shingle siding
- Stone or synthetic stone
- Brick

ARDEN AT SUMMIT PINES PLANNED UNIT DEVELOPMENT

Additional building materials may be included with administrative staff approval. Substitute materials shall be allowed by staff as long as they are determined by the Director of Planning and Community Development to be substantially similar.

REPRESENTATIVE RESIDENTIAL BUILDING ELEVATIONS



COMMERCIAL DISTRICT DESIGN GUIDELINES

- Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details shall be incorporated to add visual interest.
- Large expanses of blank walls, greater than 25' in length or height, shall be broken up with windows or other architectural features to reduce visual impacts.
- Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material.

Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.

PROPOSED COMMERCIAL DISTRICT MATERIALS

Non-residential exteriors shall incorporate variation in materials. The primary (front) façade and other façades located along a public right-of-way may include:

- Brick and/or stone masonry
- Decorative concrete block (integral color or textured)
- Stone accents
- Aluminum storefronts with anodized or pre-finished colors
- EIFS cornices, and parapet trim
- EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade
- Precast concrete
- Soffit and fascia materials to be considered include EIFS with crown trim elements
- Cementitious siding

Rear elevations of non-residential buildings facing opaque landscape buffers or not visible from vehicular use areas or public rights-of-way may incorporate decorative concrete masonry, metal coping, or EIFS trim.

REPRESENTATIVE COMMERCIAL DISTRICT BUILDING ELEVATIONS



PARKING AND LOADING

Development in the Residential District shall include a minimum of 1 and a maximum of 1.5 off-street motor vehicle parking spaces per dwelling unit. Development in the Residential District shall include a minimum of 6 bicycle parking spaces. Development in the Commercial District shall comply with parking requirements in Section 8.3 of the UDO.

SIGNAGE

Signage shall comply with UDO Section 8.7.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS

This project is located within the Beaver Creek and White Oak Creek Drainage Basins. Accordingly, the Property is within the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.7.

Resource Conservation Areas (RCA)

The Development shall include a minimum of 25% RCA. RCA area shall comply with Section 8.1 of the UDO.

Floodplain

The project site does not sit within a designated current or future 100 year floodplain as shown on the Town of Apex FEMA map and FIRM Panel 3720073100J, dated May 2, 2006.

Historic Structures

The Property is currently vacant and there are no known historic structures present within the project boundary.

Environmental Commitments Summary

The following environmental conditions shall apply to the Development:

- A minimum of two (2) educational signs about wetlands shall be installed near environmentally sensitive areas;
- A minimum of two (2) pet waste stations shall be installed within the Residential District;
- Solar conduit shall be included in Residential District building designs;

- Light sensors shall be installed on exterior lights within the Residential District; and
- Outdoor lighting within the Residential District shall be shielded in a way that focuses lighting to the ground.
- The project shall install conduit for solar energy systems for all residential and accessory buildings. These roofs shall also be engineered to support the weight of a future rooftop solar PV system.
- The project commits to planting only native plants. Landscaping shall be coordinated and approved by the Planning Department at site or subdivision review.

STORMWATER MANAGEMENT

The Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO such that:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the one (1) year, ten (10) year, and Twenty-four (24)-hour storm events.
- Treatment for the first one inch (1”) of runoff will provide 85% removal of total suspended solids.

Acceptable stormwater structures shall include detention ponds, constructed wetlands, bio-retention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO.

PARKS AND RECREATION

Arden at Summit Pines was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission at its February 23, 2022 meeting. The Commission recommended the following fee-in-lieu for the project:

Number of Units*	Housing Type	Fee Per Unit**	Total Fees
160	Multifamily or Apartment	\$2226.05	\$356,168.00

*Final unit count will be determined at the time of Master Subdivision.

**Fees are based upon approval date and run with project.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and shall be designed according to sound engineering standards. Road and utility infrastructure shall be as follows:

GENERAL ROADWAY INFRASTRUCTURE

Except as set forth herein, all proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex Comprehensive Transportation Plan and Bicycle and Pedestrian System Plan in effect as of the submission date of this rezoning.

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements apply and shall be completed in the first phase 1 of development:

- Jenks Road and Lowell Road / Site Drive 1
 - Construct an eastbound approach (Site Drive 1) with one ingress lane and two egress lanes, striped as a left-turn lane with at least 75 feet of storage and a shared through/right-turn lane.
 - Provide a northbound left-turn lane with at least 50 feet of storage and appropriate decel and taper.
 - Provide stop control at the eastbound approach.
- Jenks Road and Site Drive 2
 - Construct a right-in/right-out southbound approach with one ingress lane and one egress lane and a monolithic concrete median island based on NCDOT standards in the center lane of Jenks Road to prohibit left turning traffic..
 - Provide stop control at the southbound approach.
- Construct and dedicate roadway frontage widening along Jenks Road consisting of the remaining half of a four-lane divided roadway with curb and gutter and minimum 5-foot sidewalk based on Apex and NCDOT standards on a minimum 110' public right-of-way typical section.
- Construct and dedicate a public street from Jenks Road at Lowell Road to the western property boundary, providing public access to the west from Jenks Road, based on a 27' curb & gutter typical section with minimum 5-foot sidewalks on both sides on a minimum 50-foot public right-of-way.

WATER AND SANITARY SEWER

All lots within the project will be served by Town of Apex for water and sanitary sewer. The utility design will be finalized at the time of Master Subdivision Plan or Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer.

OTHER UTILITIES

Electricity will be provided by Apex Electric. Phone, cable, and gas will provided by the Developer and shall meet UDO standards.

PHASING

The Development will be completed in up to three phases. Final locations of phases will be determined at the time of Master Subdivision Plan Review and Approval. Provided, however that the Development may be completed in more than three phases or less than three phases.

CONSISTENCY WITH LAND USE PLAN

The proposed land use will be consistent with Advance Apex 2045: The Apex Comprehensive Plan, adopted in February 2019, upon approval of this PUD. The Future Land Use Map designates the Property as Office Employment/Commercial Services and this PUD updates the designation to Office Employment/Commercial Services/High Density Residential.

COMPLIANCE WITH UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town's Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Arden at Summit Pines. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

SITE DATA:

PIN: 0722577336
 PROPERTY OWNER: R. MICHAEL STRICKLAND, TRUSTEE OF FAMILY TRUST(WILL OF C H YOUNG JR)
 TOTAL ACRES: 11.74 AC
 CURRENT ZONING: RR
 PROPOSED ZONING: PUD-CZ
 ROW DEDICATION: 32,325 SF / 0.74 AC
 GROSS SITE AREA: 511,581 SF / 11.74 AC
 RCA REQUIRED: 511,581 SF X 25% = 127,895.25 SF
 RCA PROVIDED: 127,940 SF (25.01%)
 MAXIMUM RESIDENTIAL LAND AREA: 6.87 AC
 MAXIMUM RESIDENTIAL DENSITY: 160 UNITS
 MINIMUM RESIDENTIAL SETBACKS:
 FRONT* NONE
 SIDE 10 FT
 REAR 10 FT
 CORNER (JENKS ROAD) 10 FT
 MAXIMUM RESIDENTIAL BUILDING HEIGHT: 60 FT (5 STORIES)
 MINIMUM COMMERCIAL LAND AREA: 3.52 AC
 MINIMUM COMMERCIAL SETBACKS:
 FRONT (JENKS ROAD) 10 FT
 SIDE 10 FT
 REAR* 10 FT
 CORNER 10 FT
 MAXIMUM COMMERCIAL BUILDING HEIGHT: 50 FT
 * MEASURED FROM RESIDENTIAL/COMMERCIAL DISTRICT BOUNDARY
 CURRENT 2045 LAND USE MAP DESIGNATION: OFFICE EMPLOYMENT COMMERCIAL SERVICES
 PROPOSED 2045 LAND USE MAP DESIGNATION: OFFICE EMPLOYMENT COMMERCIAL SERVICES HIGH DENSITY RESIDENTIAL
 AREA DESIGNATED AS MIXED USE ON 2045 LUM: NONE
 AREA OF MIXED USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT: 37.5%
 MAXIMUM BUILT UPON AREA: 8.22 AC (70%)
 PROPOSED BUILT UPON AREA: 8.22 AC (70%)
 REQUIRED RESIDENTIAL PARKING SPACES: 1 PER DWELLING UNIT (MINIMUM)
 REQUIRED NON-RESIDENTIAL PARKING SPACES: 1.5 PER DWELLING UNIT (MAXIMUM) SHALL COMPLY WITH UDO SECTION 8.3
 REQUIRED BICYCLE PARKING: SHALL COMPLY WITH UDO SECTION 8.3
 WATERSHED PROTECTION OVERLAY DISTRICT: PRIMARY
 FEMA FLOODPLAIN: ZONE X
 MAP NO. 3720072200J EFFECTIVE 5/2/2006
 HISTORIC STRUCTURES: NONE
 GRADING: MASS GRADING

CONTACTS

DEVELOPER: FC APEX, LLC
 7315 WISCONSIN AVE., SUITE 925W
 BETHESDA, MD 20814
 PHONE: (301) 654-8801
 ATTN: KEVIN WOODLEY
 kwoodley@buvermo.com
 CIVIL ENGINEER: ESE OF NORTH CAROLINA, PC
 5400 TRINITY ROAD, SUITE 204
 RALEIGH, NC 27607
 PHONE: (704) 497-0983
 ATTN: SCOTT KRUSELL, PE
 skrusell@eseconsultants.com



ARDEN AT SUMMIT PINES PLANNED UNIT DEVELOPMENT

TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

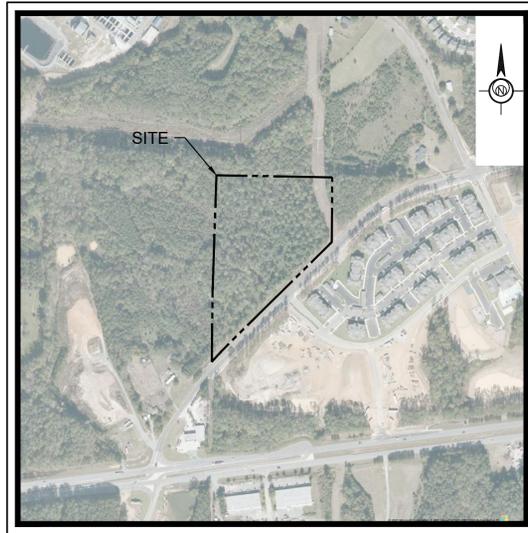
1/3/2022

REVISED: 04/27/2022

**PREPARED FOR:
 OWNER/DEVELOPER
 FC APEX, LLC**

**7315 WISCONSIN AVE., SUITE 925W
 BETHESDA, MD 20814**

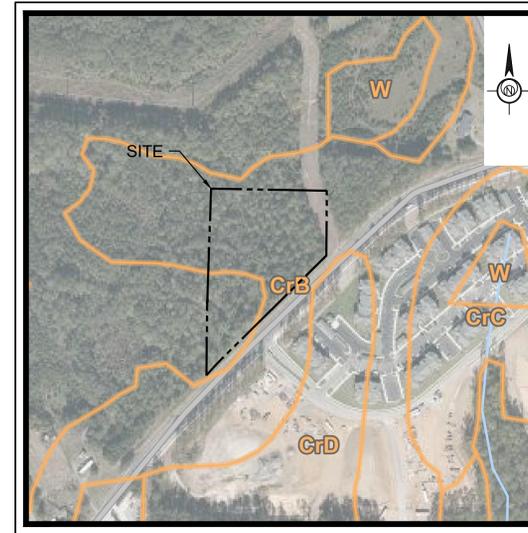
Sheet List Table	
Sheet Number	Sheet Title
CS0001	COVER SHEET
CS0201	EXISTING CONDITIONS
CS1001	PRELIMINARY SITE PLAN
CS1002	PHASING PLAN
CS1701	PRELIMINARY UTILITY PLAN
CS1702	PRELIMINARY STORMWATER MANAGEMENT PLAN



AERIAL MAP
 1" = 500'



LOCATION MAP
 1" = 2000'



SOILS MAP
 1" = 500'

PREPARED BY:

ESE CONSULTANTS

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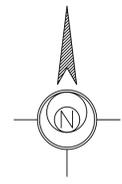
ESE of North Carolina, PC
 5400 Trinity Road • Suite 204
 Raleigh, NC 27607
 T: 919-321-4800
 License # C-2973

REV	DATE	DESCRIPTION
4	04/27/2022	REVS PER TOWN COMMENTS
3	04/19/2022	REVS PER TOWN COMMENTS
2	03/11/2022	REVS PER TOWN COMMENTS
1	02/11/2022	REVS PER TOWN COMMENTS

COVER SHEET
 ARDEN AT SUMMIT PINES
 PLANNED UNIT DEVELOPMENT
 TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

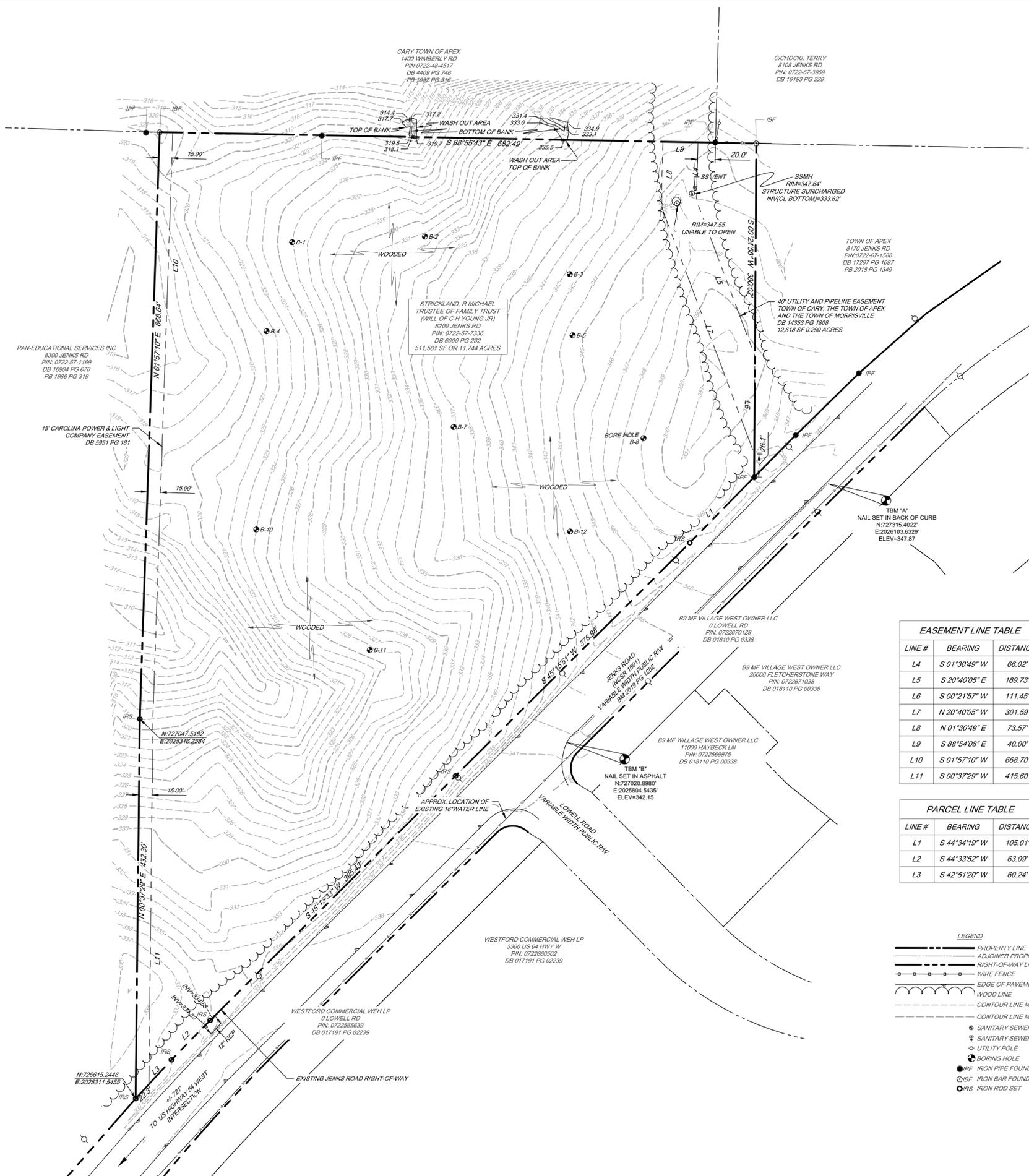
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DESIGN: BM	DRAWN: KNB
JOB NO.: 21264	FILE NAME: BLUVERMO
SHEET NO.: CS0001	

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NOTES:

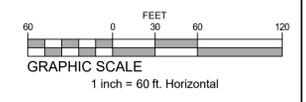
- EXISTING BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM A TOPOGRAPHIC SURVEY PREPARED BY PENNONI ASSOCIATES INC. DATED 9/27/21.
- THE SUBJECT PROPERTY IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
- THIS SITE IS NOT LOCATED IN THE 100-YEAR FLOODPLAIN PER FEMA FIRM PANEL 372007220J EFFECTIVE 5/02/2006.
- BASED UPON A JURISDICTIONAL DETERMINATION REQUEST, FILED WITH USAGE ON 9/08/21 AND CONCURRENCE EMAIL ON 09/13/21 BY LYLE PHILLIPS OF USACE, STREAMS AND WETLANDS WERE NOT IDENTIFIED DURING THE DELINEATION (SAW-2021-01939).
- PROPEY DESCRIPTIONS SOUTH OF JENKS ROAD BASED ON WAKE COUNTY IMAPS DATA.



EASEMENT LINE TABLE		
LINE #	BEARING	DISTANCE
L4	S 01°30'49" W	66.02'
L5	S 20°40'05" E	189.73'
L6	S 00°21'57" W	111.45'
L7	N 20°40'05" W	301.59'
L8	N 01°30'49" E	73.57'
L9	S 88°54'08" E	40.00'
L10	S 01°57'10" W	668.70'
L11	S 00°37'29" W	415.60'

PARCEL LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S 44°34'19" W	105.01'
L2	S 44°33'52" W	63.09'
L3	S 42°51'20" W	60.24'

- LEGEND**
- PROPERTY LINE
 - - - ADJOINER PROPERTY LINE
 - - - RIGHT-OF-WAY LINE
 - - - WIRE FENCE
 - - - EDGE OF PAVEMENT
 - - - WOOD LINE
 - - - CONTOUR LINE MINOR
 - - - CONTOUR LINE MAJOR
 - SANITARY SEWER MANHOLE
 - ⊕ SANITARY SEWER VENT
 - UTILITY POLE
 - BORING HOLE
 - IPF IRON PIPE FOUND
 - IBF IRON BAR FOUND
 - IRS IRON ROD SET



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 5400 RAINING FOREST DRIVE, SUITE 204
 RALEIGH, NC 27606
 TEL: 919-321-4800
 License # C-2973

REV.	DATE	DESCRIPTION
4	04/27/2022	REVS PER TOWN COMMENTS
3	04/09/2022	REVS PER TOWN COMMENTS
2	03/11/2022	REVS PER TOWN COMMENTS
1	02/11/2022	REVS PER TOWN COMMENTS

EXISTING CONDITIONS

ARDEN AT SUMMIT PINES
 PLANNED UNIT DEVELOPMENT
 TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

DATE: 1/3/2022	SCALE: 1" = 60'
DESIGN: BM	DRAWN: KNB
JOB NO.: 21284	FILE NAME: BLUVERMO
SHEET NO.: CS0201	

Apr 27, 2022 - 8:20 am N:\Projects\North Carolina\21284-0200 Arden at Summit Pines\Drawings\21284-0200-010-01.dwg 9/16/2021



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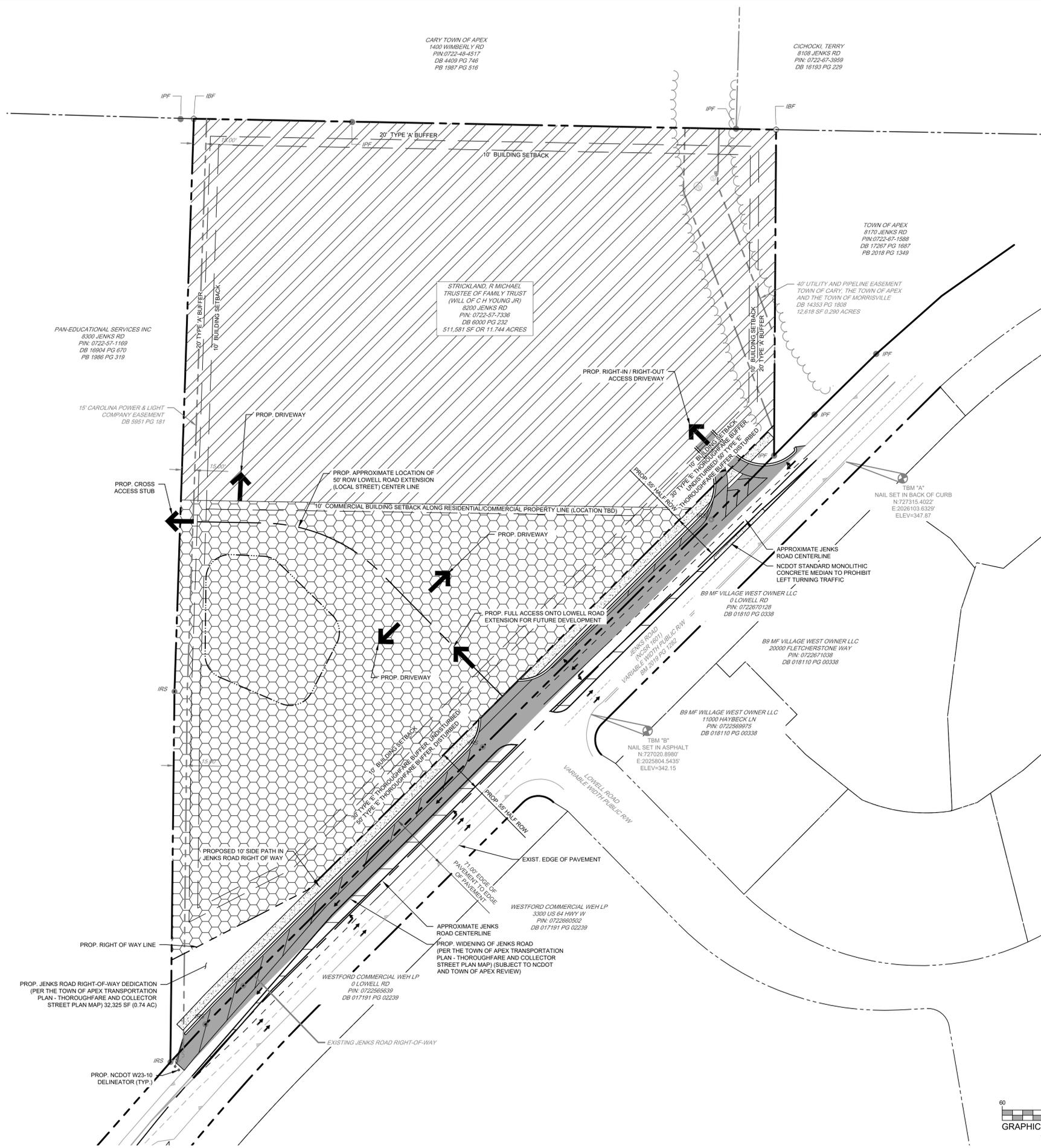


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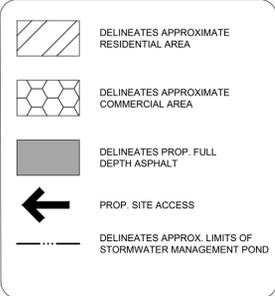
ESE of North Carolina, PC
 5400 North Hargett Street, Suite 204
 Raleigh, NC 27603
 Tel: 919-371-4800
 License # C-2973

NOTES:

- REFER TO THE PUD DOCUMENT (SECTION PERMITTED USES) FOR A COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA.
- PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICE. SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS ETC.) SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDINGS WITHIN THAT PHASE.
- NO SIGNS ARE APPROVED AS PART OF PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. MULTIPLE USE LOTS, NON-RESIDENTIAL SUBDIVISIONS, AND MULTIPLE TENANT LOTS MUST SUBMIT A MASTER SIGN PLAN FOR APPROVAL.
- THE FINAL WIDTH OF THE BUFFERS SHALL MEET THE TOWN OF APEX DEVELOPMENT STANDARDS (SEC. 8.2.6 OF THE UDO).
- PROVIDE 5' MINIMUM PEDESTRIAN CONNECTION BETWEEN THE INTERNAL PUD PEDESTRIAN NETWORK.
- SHOWN JENKS ROADWAY IMPROVEMENTS ARE PRELIMINARY. FINAL IMPROVEMENTS TO BE REVIEWED AND APPROVED BY NCDOT AND TOWN OF APEX.
- PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.



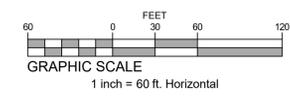
LEGEND



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2	03/11/2022	REVS PER TOWN COMMENTS
1	02/11/2022	REVS PER TOWN COMMENTS

PRELIMINARY SITE PLAN
ARDEN AT SUMMIT PINES
 PLANNED UNIT DEVELOPMENT
 TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

DATE:	1/3/2022	SCALE:	1" = 60'
DESIGN:	BM	DRAWN:	KNB
JOB NO.:	21284	FILE NAME:	BLUVERMO
SHEET NO.:	CS1001		



Apr 27, 2022 - 10:51 am, N:\Projects\North Carolina\21284-2200_Arden at Summit Pines\Drawings\21284-2200_Prelim Site Plan.dwg, 50102521



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PHASING NOTES:

OFF-SITE ROADWAY IMPROVEMENTS:

1. A TRAFFIC IMPACT ANALYSIS (TIA) FOR THE ENTIRE DEVELOPMENT IS UNDER REVIEW BY THE TOWN OF APEX AND THE NCDOT. RECOMMENDATIONS FOR ACCESS AND ROADWAY IMPROVEMENTS REQUIRED TO SUPPORT THE ENTIRETY OF THE PROPOSED DEVELOPMENT PROGRAM ARE INCLUDED IN THE TIA.
2. AGREED UPON ACCESS AND ROADWAY IMPROVEMENTS NECESSARY TO SUPPORT EACH DEVELOPMENT TRACT, MUST BE IN PLACE PRIOR TO THE INITIAL CERTIFICATE OF OCCUPANCY (CO) FOR EACH RESPECTIVE PHASE OR TRACT ASSOCIATED WITH THOSE IMPROVEMENTS UNLESS AN ALTERNATE TRIP THRESHOLD ANALYSIS IS PROVIDED. ALL PHASING IMPROVEMENTS ARE SUBJECT TO FINAL APPROVAL FROM NCDOT.

PHASING OF UTILITY INFRASTRUCTURE IMPROVEMENTS:

1. SANITARY SEWER SERVICE WILL BE STUBBED FROM THE OFF-SITE INTERCEPTOR AND WILL BE DISTRIBUTED THROUGHOUT THE DEVELOPMENT BASED ON THE FINAL UTILITY PLAN.
2. WATER SERVICE WILL BE INSTALLED ALONG LOWELL ROAD EXTENSION AT SUCH TIME THAT WATER FLOWS REQUIRE THE SUBJECT INFRASTRUCTURE.

PHASING OF RESOURCE CONSERVATION AREAS (RCA): RCA AREAS ASSOCIATED WITH THE DEVELOPMENT PARCELS WILL BE DEFINED AND PLATTED AS REQUIRED IN SECTION 8.1 OF THE UDO AND AS PROVIDED FOR WITHIN THE PUD.

1. REQUIRED LANDSCAPING, BUFFERING, AND SCREENING ASSOCIATED WITH THE OVERALL PUD WILL BE PROVIDED IN CONJUNCTION WITH THE SUBDIVISION OF EACH INDIVIDUAL DEVELOPMENT TRACT SUCH THAT CUMULATIVELY, THE TOTAL AMOUNT OF RCA FOR THE PUD WILL EQUAL TO OR GREATER THAN 25% AT BUILD-OUT.
2. RCA AREAS ASSOCIATED WITH THE PERIMETER PROPERTY BOUNDARIES OF THE PROJECT WILL BE ESTABLISHED, AND PLATTED WITH THE FIRST SUBDIVISION OR SITE PLAN APPLICATIONS.
3. RCA FOR DEDICATED OPEN SPACE SHALL BE DELINEATED AND PLATTED IN CONJUNCTION WITH THE FIRST SUBDIVISION OR SITE PLAN APPLICATION.

PHASING OF STREETScape IMPROVEMENTS: LANDSCAPING AND SIDEWALKS ASSOCIATED WITH REQUIRED STREETScape IMPROVEMENTS SHALL BE INSTALLED ALONG, AND LIMITED TO, THE FRONTAGE OF EACH DEVELOPMENT TRACT ADJACENT TO JENKS ROAD IN CONJUNCTION WITH EACH RESPECTIVE SUBDIVISION OR SITE PLAN APPLICATION.

PHASING OF BUFFER PLANTINGS: BUFFER PLANTINGS, WHERE REQUIRED, SHALL BE PLANTED IN CONJUNCTION WITH, AND LIMITED TO THE DEVELOPMENT TRACT FRONTAGE, FOR EACH APPROVED SUBDIVISION OR SITE PLAN APPLICATION.

PHASING OF ROADWAY IMPROVEMENTS: A TRAFFIC IMPACT ANALYSIS (TIA) FOR THE ENTIRE DEVELOPMENT IS IN REVIEW BY THE TOWN OF APEX AND THE NCDOT. RECOMMENDATIONS FOR ACCESS AND ROADWAY IMPROVEMENTS REQUIRED TO SUPPORT THE ENTIRETY OF THE PROPOSED DEVELOPMENT PROGRAMS ARE INCLUDED IN THE TIA.

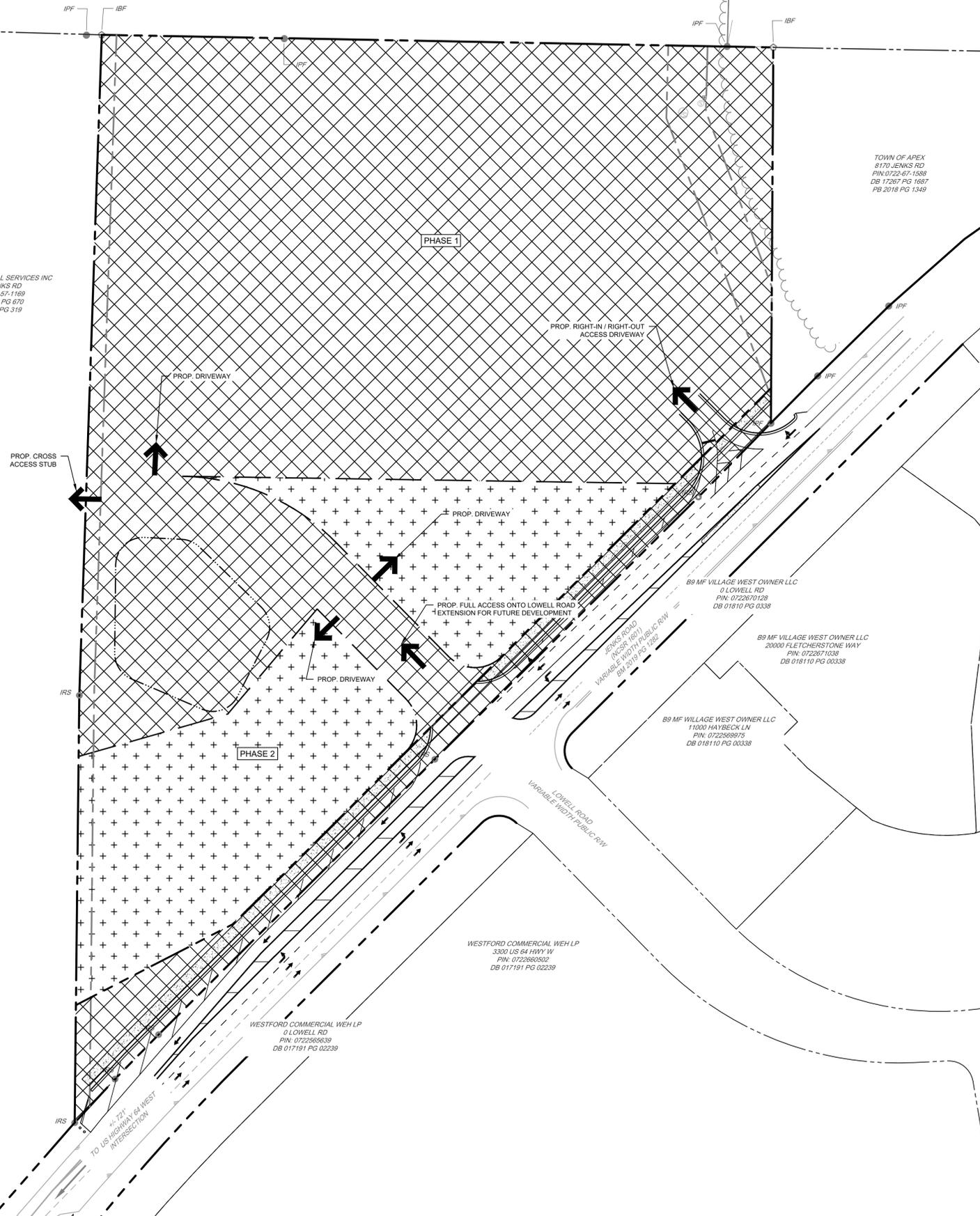
VARIOUS PORTIONS OF THE COMMITTED IMPROVEMENTS MAY BE REQUIRED TO ADEQUATELY SERVE NEW DEVELOPMENT AS IT COMES ON LINE AND PRIOR TO TOTAL PROJECT BUILD-OUT. EACH SITE PLAN APPLICATION WITHIN THE PUD SHALL BE REQUIRED TO SUBMIT A TRANSPORTATION MEMO, WITH REFERENCE TO THE APPROVED TIA, FOR REVIEW BY THE TOWN OF APEX, AND DETERMINATION AS TO THE APPROPRIATE ROADWAY IMPROVEMENTS NEEDED TO SERVE THE USE AND INTENSITY OF DEVELOPMENT PROPOSED AT THAT TIME, AS WELL AS DEVELOPMENT ALREADY IN PLACE WITHIN THE PUD, FOR EACH SUBSEQUENT SITE PLAN APPLICATION UNTIL FULL IMPLEMENTATION OF REQUIRED IMPROVEMENTS. AGREED UPON IMPROVEMENTS MUST BE IN PLACE PRIOR TO INITIAL CERTIFICATE OF OCCUPANCY FOR EACH RESPECTIVE PHASE OR TRACT ASSOCIATED WITH THOSE IMPROVEMENTS UNLESS AN ALTERNATE TRIP ANALYSIS IS PROVIDED. ALL PHASING IMPROVEMENTS ARE SUBJECT TO FINAL APPROVAL FROM NCDOT.

PAN-EDUCATIONAL SERVICES INC
 4300 JENKS RD
 PIN: 0722-57-1169
 DB 16904 PG 670
 PB 1986 PG 319

CARY TOWN OF APEX
 1400 WIMBERLY RD
 PIN: 0722-48-4517
 DB 4409 PG 746
 PB 1987 PG 516

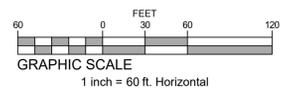
CICHOCKI TERRY
 8108 JENKS RD
 PIN: 0722-67-3959
 DB 16183 PG 229

TOWN OF APEX
 8170 JENKS RD
 PIN: 0722-67-1598
 DB 17267 PG 1687
 PB 2018 PG 1349



LEGEND

- DELINEATES PHASE 1
- DELINEATES PHASE 2
- PROP. SITE ACCESS
- DELINEATES APPROX. LIMITS OF STORMWATER MANAGEMENT POND

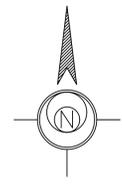


REV	DATE	DESCRIPTION	SAK
4	04/27/2022	REVS PER TOWN COMMENTS	SAK
3	04/09/2022	REVS PER TOWN COMMENTS	SAK
2	03/11/2022	REVS PER TOWN COMMENTS	SAK
1	02/11/2022	REVS PER TOWN COMMENTS	SAK

PHASING PLAN
 ARDEN AT SUMMIT PINES
 PLANNED UNIT DEVELOPMENT
 TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

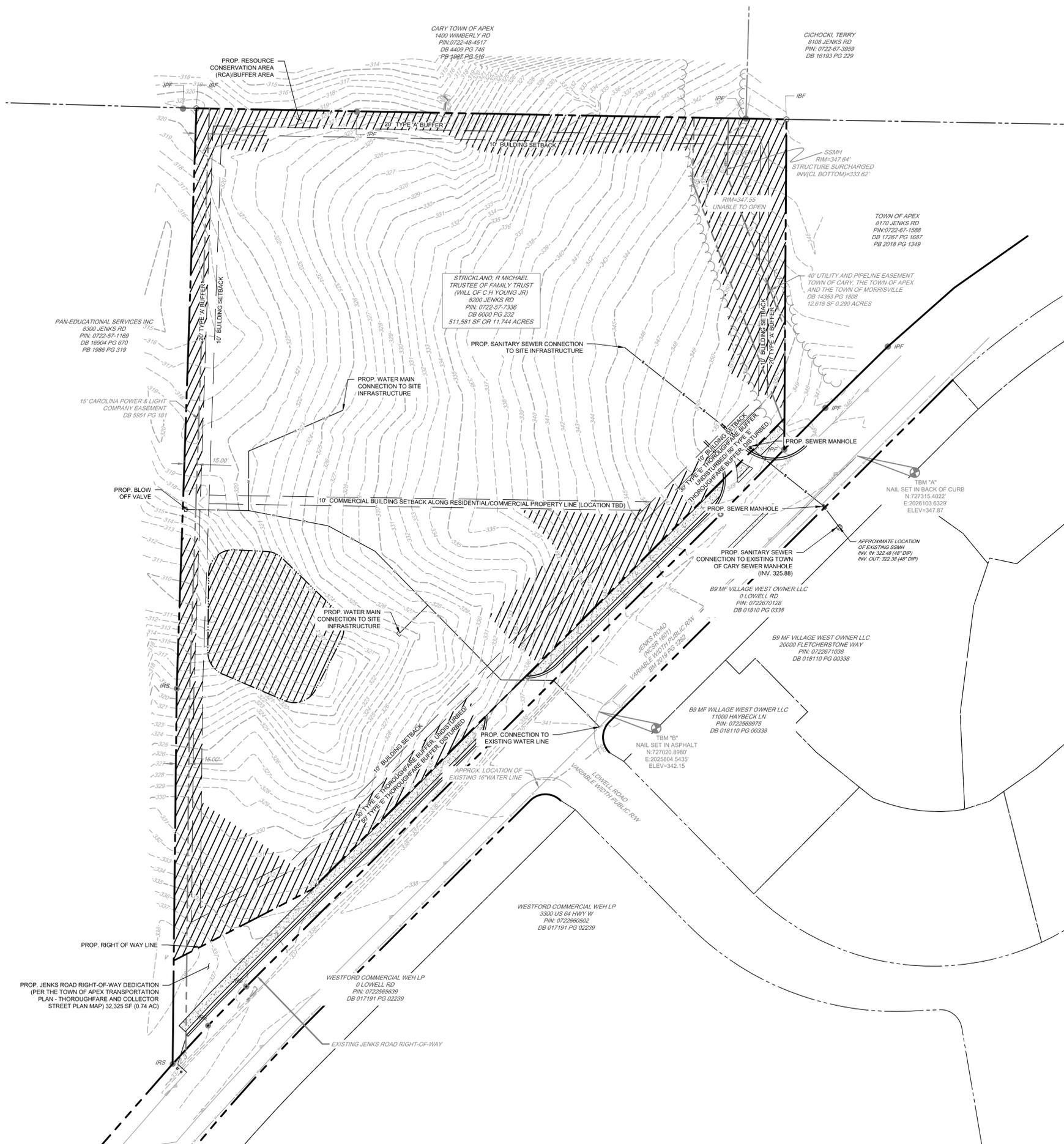
DATE: 1/3/2022	SCALE: 1" = 60'
DESIGN: BM	DRAWN: KNB
JOB NO.: 21264	FILE NAME: BLUVERMO
SHEET NO.: CS1002	





UTILITY NOTES:

1. WATER AND SEWER UTILITY MAINS WILL BE OWNED BY THE TOWN OF APEX.
2. UTILITY LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED IN CONJUNCTION WITH THE OVERALL DEVELOPMENT PLAN AND DESIGNED PER THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.
3. WATER SERVICE WILL BE STUBBED AT THE PROPERTY LINE FROM LOWELL ROAD EXTENSION.
4. SANITARY SEWER SERVICE WILL BE STUBBED FROM THE ON-SITE INTERCEPTOR AND WILL BE DISTRIBUTED THROUGHOUT THE DEVELOPMENT BASED ON THE FINAL UTILITY PLAN.
5. CONTACT RODNEY SMITH, TOWN OF APEX ELECTRIC UTILITIES DIVISION, AT 362-8166 FOR ELECTRIC SERVICE (TEMPORARY AND PERMANENT).
6. ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. DELINEATIONS WILL BE DETERMINED WITH FINAL DESIGN AT SITE PLAN STAGE.
7. EXISTING BOUNDARY AND TOPOGRAPHIC INFORMATION WAS TAKEN FROM A TOPOGRAPHIC SURVEY PREPARED BY PENNONI ASSOCIATES INC. DATED 9/27/21.



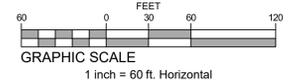
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PRELIMINARY UTILITY PLAN
 ARDEN AT SUMMIT PINES
 PLANNED UNIT DEVELOPMENT
 8200 JENKS ROAD

DATE:	1/3/2022	SCALE:	1" = 60'
DESIGN:	BM	DRAWN:	KNB
JOB NO.:	21284	FILE NAME:	BLUVERMO
SHEET NO.:	CS1701		



Apr 27, 2022 - 10:39 am - N:\Projects\North Carolina\21284-2200 - Jenks Road (Blueremo Intersectments)\02\Drawings\021701-0000 - Jenks.dwg 200% (2)



NOT FOR CONSTRUCTION

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning & Community Development

Requested Motion

Motion to set Public Hearing for the May 24, 2022 Town Council meeting regarding Rezoning Application #21CZ31 Sears Property PUD. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 26.218 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 2108 Old US 1 Highway.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

The properties to be rezoned are identified as PINs 0731107868 & 0731107055

Attachments

- Vicinity Map
- Application





Rezoning #21CZ31

Westwinds

Bella Casa

West Village

Siena and Verona at Bella Casa

Winding Creek Estates

Pleasant Park

Kirkwood

PLANNED UNIT DEVELOPMENT APPLICATION

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Application #: 21CZ31 Submittal Date: 12/1/21
Fee Paid: \$ _____ Check #: _____

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Sears Property PUD
Address(es): 0 & 2108 Old US 1 Highway
PIN(s) 0731-10-7868; 0731-10-7055

_____ Acreage: 26.218
Current Zoning: RR Proposed Zoning: PUD-CZ
Current 2045 LUM Designation: Medium Density & Office/Employment

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use: Acreage: N/A
Area proposed as non-residential development: Acreage: _____
Percent of mixed use area proposed as non-residential: Percent: _____

Applicant Information

Name: Beazer Homes - Matt Christensen
Address: 801 Corporate Center Drive - Suite 330
City: Raleigh State: NC Zip: 27607
Phone: (919) 995-5607 E-mail: matt.christensen@beazer.com

Owner Information

Name: Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC & Apex Lodge No 584, A.F. & A.M.
Address: 2804 Holland Road Robert Larry Sears (2108 Old US 1 Hwy)
City: Apex, NC 27502 State: Apex, NC 27502 Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.
Address: 1125 Apex Peakway
City: Apex State: NC Zip: 27502
Phone: (919) 439-0100 E-mail: jroach@peakengineering.com
Other contacts: dwoods@peakengineering.com
Jason Barron - jbarron@morningstarlawgroup.com

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 21CZ31

Submittal Date: 12/1/21

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town’s adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest. Use additional pages as needed.

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The 2045 LUM designation for the property is Medium Density Residential and Office/Employment. The proposed zoning would facilitate the development of residential and non-residential uses consistent with the guidance in the Comp Plan for properties with these land use designations.

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and compatibility with the character of surrounding land uses.

The proposed rezoning is adjacent to residential properties to the north, east, and west and fronting along Old US 1 Highway to the south. The rezoning will enhance residential opportunities while also providing a complimentary non-residential section along the major thoroughfare that is Old US 1 Highway.

3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use’s compliance with Sec 4.4 *Supplemental Standards*, if applicable.

New development on the site will comply with supplemental use standards to the extent such standards are applicable under UDO Section 4.4.

4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

The project will develop in a manner to limit impacts on surrounding properties. The design contemplates stub streets to adjacent property required by the UDO for future extension of services while avoiding adverse impacts post-construction. Design standards provide visual blocks to limit temp disruptions due to construction.

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The development will design the site infrastructure in a manner that will minimize and avoid environmentally sensitive areas to the extent practical. This includes protection of existing wetlands, stream buffers, and perimeter vegetative buffers to minimize the impact on surrounding property owners.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

The project has proposed significant roadway improvements to mitigate traffic concerns; will extend public water and sewer per Town standards to the site; and only improve public service opportunities in a currently under-served portion of the Apex ETJ.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

The proposed zoning is consistent with the Town's long-range plans for development in this area. Existing and planned service extensions for the area which was bypassed by development in the past will improve response times to this property by Apex services (Police, Fire, EMS, trash and public utilities) providing added safety for residents.

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

The residential component of the project adjacent to other residential properties is what was expected within the framework of the 2045 LUM. The proposed buffers, preservation areas, and uses within the non-residential component are in keeping with the context of the area and will not be detrimental to existing properties.

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

The proposed rezoning will facilitate the residential and small non-residential construction on the property in a manner to mitigate possible impacts to surrounding properties through sound engineering and design. The site will not create a nuisance for existing or future residents or customers of the non-residential section.

10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

The project is proposed as a PUD-CZ and has offered various zoning conditions related to buffers, environmental protection, architectural guidelines, roadway improvements, and other features to comply or exceed current UDO standards.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: **21CZ31**

Submittal Date: **12/1/21**

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

To provide a consistent and clearly stated procedure for the naming of subdivisions and/or developments and entrance roadways (in conjunction with *Town of Apex Address Policy*) so as to allow developers to define and associate the theme or aesthetics of their project(s) while maintaining the Town's commitment to preserving the quality of life and safety for all residents of Apex proper and extraterritorial jurisdiction.

Guidelines

- ✓ The subdivision/development name shall not duplicate, resemble, or present confusion with an existing subdivision/development within Apex corporate limits or extraterritorial jurisdiction except for the extension of an existing subdivision/development of similar or same name that shares a continuous roadway.
- ✓ The subdivision/development name shall not resemble an existing street name within Apex corporate limits or extraterritorial jurisdiction unless the roadway is a part of the subdivision/development or provides access to the main entrance.
- ✓ The entrance roadway of a proposed subdivision/development shall contain the name of the subdivision/development where this name does not conflict with the Town of Apex *Road Name Approval Application* and *Town of Apex Address Policy* guidelines.
- ✓ The name "Apex" shall be excluded from any new subdivision/development name.
- ✓ Descriptive words that are commonly used by existing developments will be scrutinized more seriously in order to limit confusion and encourage distinctiveness. A list of commonly used descriptive words in Apex's jurisdiction is found below.
- ✓ The proposed subdivision/development name must be requested, reviewed and approved during preliminary review by the Town.
- ✓ A \$500.00 fee will be assessed to the developer if a subdivision/development name change is requested after official submittal of the project to the Town.*

*The imposed fee offsets the cost of administrative changes required to alleviate any confusion for the applicant, Planning staff, other Town departments, decision-making bodies, concerned utility companies and other interested parties. There is no charge for the initial name submittal.

Existing Development Titles, Recurring

	Residential	Non-Residential
10 or more	Creek, Farm(s), Village(s),	Center/Centre
6 to 9	Crossing(s), Park, Ridge, Wood(s)	Commons, Park
3 to 5	Acres, Estates, Glen(s), Green*, Hills	Crossing(s), Plaza, Station, Village(s)

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 21CZ31 Submittal Date: 12/1/21

Proposed Subdivision/Development Information

Description of location: North of Old US 1 Highway, west of Winding Creek Road
Nearest intersecting roads: Old US 1 Highway and Winding Creek Road
Wake County PIN(s): 0731-10-7868 & 0731-10-7055
Township: Buckhorn

Contact Information (as appropriate)

Contact person: Peak Engineering & Design, PLLC - attn: Jeff Roach
Phone number: (919) 439-0100 Fax number: N/A
Address: 1125 Apex Peakway, Apex, NC 27502
E-mail address: jroach@peakengineering.com
Owner: Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC, Inc., & Apex Lodge No. 58
Phone number: _____ Fax number: _____
Address: 2804 Holland Road Apex, NC 2108 Old US 1 Highway Apex, NC
E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: ~~Townes at Pleasant Park~~ (name withdrawn - to be formally named at MSP)
2nd Choice (Optional): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 21CZ31

Submittal Date: 12/1/21

**Town of Apex
73 Hunter Street
P.O. Box 250 Apex, NC 27502
919-249-3400**

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

~~Townes at Pleasant Park~~ Sears Property PUD

(the "Premises")

The Town of Apex offers to provide you with electric utilities on the terms described in this Offer & Agreement. If you accept the Town's offer, please fill in the blanks on this form and sign and we will have an Agreement once signed by the Town.

Beazer Homes, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

The sale, delivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance with, all the terms and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the Town.

Customer understands that the Town, based upon this Agreement, will take action and expend funds to provide the requested service. By signing this Agreement the undersigned signifies that he or she has the authority to select the electric service provider, for both permanent and temporary power, for the Premises identified above.

Any additional terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this Agreement constitutes the entire agreement of the parties.

Acceptance of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.

Please note that under North Carolina General Statute §160A-332, you may be entitled to choose another electric supplier for the Premises.

Upon acceptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric service to the Premises and looks forward to working with you and the owner(s).

ACCEPTED:

CUSTOMER: Beazer Homes, LLC

TOWN OF APEX

BY: Jason Vickers
Authorized Agent

BY: _____
Authorized Agent

DATE: 2-10-2022

DATE: _____

AGENT AUTHORIZATION FORM

Application #: 21CZ31

Submittal Date: 12/1/21

Robert Larry Sears is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 2108 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

I am the owner of the property and will be acting as my own agent

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*


Robert Larry Sears
Type or print name

11-30-2021
Date

Type or print name

Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ31

Submittal Date: 12/1/21

The undersigned, Robert Larry Sears (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

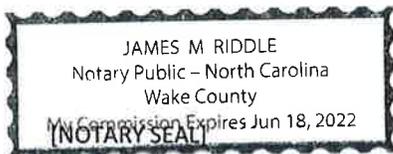
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2108 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 1/3/75, and recorded in the Wake County Register of Deeds Office on 1/28/75, in Book 2374 Page 459.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 1/3/75, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1/3/75, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30 day of Nov., 2021.

Robert Larry Sears (seal)
Robert Larry Sears
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF NAHE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that ROBERT LARRY SEARS, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's _____, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



James M. Riddle
 Notary Public
 State of North Carolina
 My Commission Expires: JUNE 18, 2022

Date: November 29, 2021

**Legal Description of a
2.365 Acre
Property of Robert Sears
PIN: 0731-10-7055
DB 2374, PG 459
Apex, NC**

Subject property being located in Wake county, North Carolina:

BEGINNING at an iron pipe found, said iron pipe being located along the northerly right-of-way of Old US Highway 1, thence with the northerly right-of-way of Old US Highway 1, S 71° 10' 58" W 574.48' to an iron pipe found, said iron pipe also being the southeastern corner of the Now or Formerly Vicky & Ching Lin Property;
Thence leaving the northerly right-of-way of Old US Highway 1, and with the easterly line of the Now or Formerly Vicky & Ching Lin Property, N 06° 09' 06" E 197.90' to an iron pipe found;
Thence leaving the easterly line of the Now or Formerly Vicky & Ching Lin Property, N 71° 11' 17" E 574.28' to an iron pipe found;
Thence S 06° 06' 21" W 197.77' to an iron pipe found, said iron pipe being along the northerly right-of-way of Old US Highway 1 and also being THE POINT AND PLACE OF BEGINNING and containing 103,034 square feet or 2.365 acres, more or less.

The property described hereon is subject to all easements, rights-of-way, and restrictions of record.



AGENT AUTHORIZATION FORM

Application #: 21CZ31 Submittal Date: 12/1/21

Apex Lodge No. 584, A.F. & A.M. _____ is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

I am the owner of the property and will be acting as my own agent

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

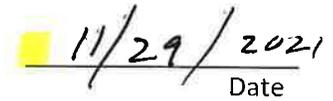
Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*



 PAUL MADRITCH
 Type or print name



 Date

 Type or print name Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ31

Submittal Date: 12/1/21

The undersigned, Apex Lodge No. 584, A.F. & A.M. (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

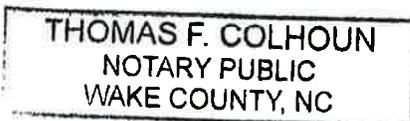
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 6/11/21, and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 6/11/21, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 6/11/21, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29 day of NOV, 2021.

Paul Madritch (seal)
PAUL MADRITCH
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Paul madritch, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun
 Notary Public
 State of North Carolina
 My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ31

Submittal Date: 12/1/21

Insert legal description below.

Lot 4R, PB 2019, PG 1919

See attached legal description

AGENT AUTHORIZATION FORM

Application #: 21CZ31

Submittal Date: 12/1/21

The Pleasant Plains Baptist Church of Apex, NC, Inc. is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

I am the owner of the property and will be acting as my own agent

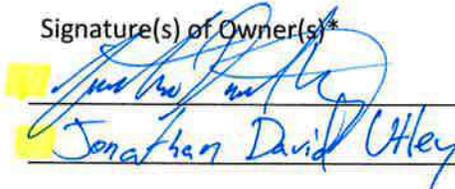
Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*


Jonathan David Utley

Type or print name

11-30-21

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ31 Submittal Date: 12/1/21

The undersigned, The Pleasant Plains Baptist Church of Apex, NC, Inc. (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 6/11/21 and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 6/11/21, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 6/11/21, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30th day of November, 2021.

[Signature] (seal)
Jonathan David Utley
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Jonathan David Utley, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Driver License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

THOMAS F. COLHOUN
 NOTARY PUBLIC
 WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun
 Notary Public
 State of North Carolina
 My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ31

Submittal Date: 12/1/21

Insert legal description below.

Lot 4R, PB 2019, PG 1919

See attached legal description

AGENT AUTHORIZATION FORM

Application #: 21CZ31 Submittal Date: 12/1/21

Brian Sears is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

I am the owner of the property and will be acting as my own agent

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Brian S. Sears

Brian S. Sears

Type or print name

11-29-2021

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ31 Submittal Date: 12/1/21

The undersigned, Brian Sears (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 6/11/21 and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 6/11/21, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 6/11/21, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29 day of November, 2021.

Brian S. Sears (seal)
Brian S. Sears
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Brian S. Sears, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

THOMAS F. COLHOUN
 NOTARY PUBLIC
 WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun
 Notary Public
 State of North Carolina
 My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ31

Submittal Date: 12/1/21

Insert legal description below.

Lot 4R, PB 2019, PG 1919

See attached legal description

AGENT AUTHORIZATION FORM

Application #: 21CZ31

Submittal Date: 12/1/21

Belinda Camp & Ted Camp is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

I am the owner of the property and will be acting as my own agent

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Belinda Sears Camp

Belinda Sears Camp

11/29/2021
Date

Type or print name

Ted Camp

TED CAMP

11/29/2021
Date

Type or print name

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ31 Submittal Date: 12/1/21

The undersigned, Belinda Camp (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 6/11/21, and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 6/11/21, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 6/11/21, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29 day of November, 2021.

Belinda Camp Ted Camp (seal)
Belinda Sears Camp TED CAMP
 Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Ted Camp, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

THOMAS F. COLHOUN
 NOTARY PUBLIC
 WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun
 Notary Public
 State of North Carolina
 My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ31

Submittal Date: 12/1/21

Insert legal description below.

Lot 4R, PB 2019, PG 1919

See attached legal description

Date: November 29, 2021

**Legal Description of a
23.853 Acre
Property of Brian Sears & Belinda Camp
PIN: 0731-10-7868
DB 18552, PG 247
Apex, NC**

Subject property being located in Wake county, North Carolina:

BEGINNING at an iron pipe found, said iron pipe being located along the northerly right-of-way of Old US Highway 1, thence with the northerly right-of-way of Old US Highway 1, S 71° 12' 22" W 180.68' to an iron pipe found;

Thence leaving the northerly right-of-way of Old US Highway 1, N 06° 06' 21" W 197.77' to an iron pipe found;

Thence S 71° 11' 17" W 574.28' to an iron pipe found, said iron pipe also being along the easterly line of the Now or Formerly Vicky & Ching Lin Property;

Thence N 06° 10' 02" E 333.26' to an iron pipe found;

Thence N 06° 04' 18" E 81.25' to an iron pipe found;

Thence N 06° 10' 51" E 417.58' to an iron pipe found;

Thence N 06° 07' 54" E 315.53' to an iron pipe found;

Thence N 06° 10' 18" E 174.26' to an iron pipe found;

Thence N 06° 19' 01" E 29.04' to an iron pipe found;

Thence N 06° 06' 28" E 383.71' to an iron pipe found, said iron pipe also being along the southerly line of the Now or Formerly Stephen & Suzanne Dalessandro Property;

Thence S 88° 12' 41" E 106.90' to an iron pipe found;

Thence S 88° 11' 41" E 199.81' to an iron pipe found;

Thence S 88° 09' 32" E 149.71' to an iron pipe set, said iron pipe also being the northwestern corner of the Now or Formerly Patricia Jones Property;

Thence S 11° 34' 39" E 74.91' to an iron pipe found;

Thence S 11° 34' 44" E 570.47' to an iron pipe found;

Thence S 11° 38' 55" E 160.12' to an iron pipe found;

Thence S 11° 34' 39" E 129.79' to an iron pipe set;

Thence S 11° 34' 39" E 173.36' to a computed point, said computed point also being along the westerly line of the Now or Formerly Larry Goll Property;



Thence leaving the westerly line of the Now or Formerly Larry Goll Property, S 51° 59' 24" W 317.49' to an iron pipe set;
Thence S 11° 43' 44" E 90.55' to an iron pipe found;
Thence S 11° 41' 01" E 299.45' to an iron pipe found, said iron pipe being along the northerly right-of-way of Old US Highway 1 and also being THE POINT AND PLACE OF BEGINNING and containing 1,039,024 square feet or 23.853 acres, more or less.

The property described hereon is subject to all easements, rights-of-way, and restrictions of record.



Wake County Residential Development Notification

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to:
studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	Beazer Homes
Company Phone Number	(919) 448-6167
Developer Representative Name	Jason Vickers
Developer Representative Phone Number	(919) 448-6167
Developer Representative Email	jason.vickers@beazer.com

New Residential Subdivision Information	
Date of Application for Subdivision	December 2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Townes at Pleasant Park
Address of Subdivision (if unknown enter nearest cross streets)	Old US 1 Highway near Winding Creek Road
REID(s)	0464914 & 0082802
PIN(s)	0731-10-7868 & 0731-10-7055

Projected Dates Information	
Subdivision Completion Date	June 2026
Subdivision Projected First Occupancy Date	January 2024

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes	160							2200	3000			2024	30	2025	80	2026	50
Condos																	
Apartments																	
Other																	

NOTICE OF NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

11/12/21

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at

2108 Old US Hwy 1

0731-10-7055

0 Old US Hwy 1

0731-10-7868

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](http://www.apexnc.org/180/Planning-Community-Development) or the [Apex Development Report](http://www.apexnc.org/180/Planning-Community-Development) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input checked="" type="checkbox"/> Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/> Special Use Permit	Town Council (QJPH*)
<input checked="" type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

The rezoning is sought to create a residential townhome community interconnected with neighborhood-scale non-residential services along Old US Hwy 1

Estimated submittal date: December 2021

MEETING INFORMATION:

Property Owner(s) name(s):

Robert Sears & Brian & Belinda Sears

Applicant(s):

Peak Engineering & Design, PLLC

Contact information (email/phone):

jroach@peakengineering.com/919-439-0100

Meeting Address:

https://morningstarlaw.group/11292021mtg

Date/Time of meeting**:

11/29/21 @ 5PM

MEETING AGENDA TIMES:

Welcome: 5:00 - 5:02 PM Project Presentation: 5:02 - 5:05 PM Question & Answer: 5:05 - 7:00 PM

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.

SITE ADDRESS	PIN_NUM	OWNER	MAILING ADDRESS	
2728 SOUTHWINDS RUN	0731118978	ALEXANDER, ROBERT F. III ALEXANDER, SUMMER C.	2728 SOUTHWINDS RUN	APEX NC 27502-6515
2008 OLD US 1 HWY	0731200492	CAMP, BELINDA S	2008 OLD US 1 HWY	APEX NC 27502-7767
1007 WINDING CREEK RD	0731212287	COLBY, RICHARD D COLBY, CAROL A	1007 WINDING CREEK RD	APEX NC 27502-8727
2825 HOLLAND RD	0731114963	DALESSANDRO, STEPHEN DALESSANDRO, SUZANNE M	2740 BRANTLEY DR	APEX NC 27539-9707
1005 WINDING CREEK RD	0731203998	DRAPER, THOMAS WILLIAM	1005 WINDING CREEK RD	APEX NC 27502-8727
2004 OLD US 1 HWY	0731204461	EVANS, MICHAEL ANDREW	2004 OLD US 1 HWY	APEX NC 27502-7767
0 FRIENDSHIP RD	0730196547	FRIENDSHIP ROAD LLC	6410 MCCRIMMON PKWY	MORRISVILLE NC 27560-8136
2729 SOUTHWINDS RUN	0731213985	GADSBY, JOHN HUNEYCUTT, LISA	2729 SOUTHWINDS RUN	APEX NC 27502-6516
1003 WINDING CREEK RD	0731204659	GOLL, LARRY ALAN	1003 WINDING CREEK RD	APEX NC 27502-8727
3017 HOLLAND RD	0731102964	HOPKINS, MARK A HOPKINS, LESLIE ERVIN	3017 HOLLAND RD	APEX NC 27502-9151
2829 HOLLAND RD	0731114538	JAIN, RAJAT JAIN, MALTI	2829 HOLLAND RD	APEX NC 27502-9150
1009 WINDING CREEK RD	0731213582	JONES, PATRICIA FISH	PO BOX 981	PITTSBORO NC 27312-0981
2116 OLD US 1 HWY	0731102019	LIN, VICKY KU LIN, JEN CHING	3101 FOX SHADOW DR	APEX NC 27502-8770
2124 OLD US 1 HWY	0730098773	MCCLAMB, WALTER J	PO BOX 243	APEX NC 27502-0243
2909 HOLLAND RD	0731112454	MONTGOMERY, CHRISTOPHER K MONTGOMERY, KAREN E	2909 HOLLAND RD	APEX NC 27502-5047
2109 OLD US 1 HWY	0730197850	NEVEROSKY, DEREK A	2109 OLD US 1 HWY	APEX NC 27502-7770
3031 HOLLAND RD	0731101525	ROMAN CATHOLIC DIOCESE OF RALEIGH NC THE	7200 STONEHENGE DR	RALEIGH NC 27613-1622
0 OLD US 1 HWY	0731107868	SEARS, BRIAN S CAMP, BELINDA S	2804 HOLLAND RD	APEX NC 27502-9150
2012 OLD US 1 HWY	0731201214	SEARS, OSCAR FINCH	2008 OLD US 1 HWY	APEX NC 27502-7767
2108 OLD US 1 HWY	0731107055	SEARS, ROBERT LARRY	2108 OLD US 1 HWY	APEX NC 27502-7769
2017 OLD US 1 HWY	0730292828	SEARS, STACEY WADE SEARS, GINNY HOLLAND	211 S SALEM ST	APEX NC 27502-1878
2732 SOUTHWINDS RUN	0731211835	SHARP, WARREN G SHARP, DEBRA	2732 SOUTHWINDS RUN	APEX NC 27502-6515
3001 FRIENDSHIP RD	0730190468	STROUP, BILLY E STROUP, ANNIE	1924 OLD US 1 HWY # 1S	APEX NC 27502-7765
2823 HOLLAND RD	0731124158	TRUSTEE OF THE HERITAGE LEGACY TRUST	2823 HOLLAND RD	APEX NC 27502-9150
3041 HOLLAND RD	0731009204	WESTERN WAKE BIBLE CHAPEL	7612 HOLLAND RD	APEX NC 27502-9670
2001 OLD US 1 HWY	0731205000	WRAY, FAYE F	7612 HUMIE OLIVE RD	APEX NC 27502-7768
		APEX TOWN OF	2001 OLD US 1 HWY	APEX NC 27502-7768
		Current Tenant	PO BOX 250	APEX NC 27502-0250
		Current Tenant	3001 Friendship RD	APEX NC 27502
		Current Tenant	2825 Holland RD	APEX NC 27502
		Current Tenant	3031 Holland RD	APEX NC 27502
		Current Tenant	2006 Old Us 1 HWY	APEX NC 27502
		Current Tenant	2012 Old Us 1 HWY	APEX NC 27502
		Current Tenant	2017 Old Us 1 HWY	APEX NC 27502
		Current Tenant	2124 Old Us 1 HWY	APEX NC 27502
		Current Tenant	1009 Winding Creek RD	APEX NC 27502

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:

Project Name: Sears Property PUD Assembly Zoning: PUD-CZ

Location: 0 & 2108 Old US Hwy 1

Property PIN(s): 0731-10-7055 & 0731-10-7868 Acreage/Square Feet: 26.218 acres

Property Owner: Robert Sears & Brian & Belinda Sears

Address: 2804 Holland Road

City: Apex State: NC Zip: 27502

Phone: _____ Email: _____

Developer: Beazer Homes

Address: 5400 Trinity Rd | Ste 313

City: Raleigh State: NC Zip: 27607

Phone: _____ Fax: _____ Email: _____

Engineer: Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27607

Phone: _____ Fax: _____ Email: _____

Builder (if known): Same as Developer

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC, Inc., & Apex Lodge No. 584, A.F. & A.M., Robert Larry Sears

Applicant(s): Beazer Homes

Contact information (email/phone): Jason Vickers (jason.vicker@beazer.com) (919) 448-6167

Meeting Address: Virtual

Date of meeting: 11/29/21 Time of meeting: 5:00 PM - 7:00 PM

Please summarize the questions/comments and your response from the Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:

See attached summary of neighborhood meeting

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

SEARS PLANNED UNIT DEVELOPMENT
NEIGHBORHOOD MEETING SUMMARY
NOVEMBER 29, 2021 5PM-7PM

1. How will access to the property work?
 - a. Access will be provided via two streets off of Old HWY 1. Additionally, street stubs will be provided to adjacent properties as required by the Town Ordinance
2. A serious concern was raised by the owner of property to the northwest of the site regarding the cross access proposed adjacent to his property.
 - a. The applicant explained that this cross access was shown in anticipation of ordinance requirements for the same.
3. Concerns were expressed related to the widths of buffers. Specifically, multiple attendees requested that buffers be increased to fifty feet (50') from the twenty feet (20') reflected on the PUD maps shared at the meeting.
 - a. The applicant noted the concern and request.
4. A concern was expressed related to the removal of existing large trees along the property lines of the subject property.
 - a. The applicant indicated that existing large trees would be saved within the 20' Type B buffers proposed for the development.
5. A question was asked as to whether a fence was proposed for the property line.
 - a. The applicant indicated that there was not currently a fence proposed, but is happy to meet on site with adjacent owners to review existing vegetation and determine whether a fence would provide a better option as compared to installing additional landscaping.
6. The owners of all properties along the western boundary of the site requested a larger, 50' buffer.
 - a. The applicant noted the request and indicated that the team would review the request to determine what is feasible for the development.
7. The owner of property to the northeast of the site also expressed concern related to the width of the buffer, and specifically requested a 50' buffer also.
 - a. The applicant noted the concern and indicated that the team would review the request to determine what is feasible for the development.
8. The owner of the property to the northeast of the site raised a concern with the proposed cross access to his property. This owner also asked whether the street stub provided as part of the development would have a barrier constructed to prevent people from driving onto his property.
 - a. The applicant noted the concern related to the proposed location of the driveway and explained that the ordinance would require cross access connections for any development of the subject property. Further, the applicant explained that a barrier would be constructed at the end of the street stub, and that no development activity would occur on the adjacent property when the street stub was installed.
9. A concern was raised related to emergency access to the site. Specifically, the concern was that the proposed access drives off of Old HWY 1 would be insufficient to provide adequate access for emergency services to the site.

- a. The applicant explained that the access proposed for the development, with a full movement along the eastern frontage and a right-in, right-out along the western frontage was consistent with the ordinance requirements for access.
10. A question was asked related to the proposed height of homes proposed for the site.
 - a. The applicant indicated that these would be two story townhomes with a maximum of 35'.
11. A question was asked related to parking for these townhomes.
 - a. The applicant indicated that these would be townhomes without a garage in an effort to attract a workforce housing buyer, and that parking would be provided in front of the townhomes.
12. Strong concern was raised with these being townhomes geared toward workforce housing. Specifically, a concern was raised about the type of buyers that would be buying in a community like this.
 - a. The applicant noted the concern, but also made clear the need for affordable housing options in Apex for teachers, nurses, police officers, etc.
13. A request was made that these townhomes be similar to those being built near Bella Casa with prices in the \$500,000 and up range.
 - a. The applicant noted the request.
14. A concern was raised as to whether the Town would annex the property of the adjacent owners.
 - a. The applicant made clear that North Carolina law does not permit involuntary annexation, and that the only way for their property to be annexed is if they ask for it.
15. A concern was noted related to a hill along Old HWY 1 along the western frontage of the site.
 - a. The applicant noted the concern and confirmed that the specific location of access points would be reviewed at the time of subdivision and would take into consideration this hill.
16. A concern was raised about the relocation of Holland Road to connect with Friendship Road and the signal that would be constructed in that location.
 - a. The applicant indicated that the relocation of Holland Road is contemplated in the Town's long range transportation plan.
17. Strong concerns were expressed related to the traffic in general in the area, as well as traffic that would be generated by this development.
 - a. The applicant indicated that a traffic study would be submitted as part of the rezoning and that it would be reviewed by the Town and NCDOT.
18. A question was raised related to whether the traffic study would include other developments.
 - a. The applicant explained that the study would include other approved developments as well as an additional growth factor.
19. A request was made that the maps provided in the meeting be sent around to the attendees.
 - a. The applicant indicated that they would do this.
20. A request was made that the nonresidential section of the development not include a gas station.
 - a. The applicant indicated that the uses proposed for that part of the development do not include a gas station.
21. A question was asked as to whether this would be Town water and sewer and, if so, where those services would come from.

- a. The applicant confirmed that the development would be served by Town water and sewer. The applicant indicated that water service is located along Old HWY 1, and that gravity sewer was planned along the stream that runs north and east within the property.
22. The property owner adjacent to the north east side of the development expressed strong opposition to sewer running through his property.
 - a. The applicant requested an opportunity to meet on the site and explore whether a mutually agreeable solution could be found.
23. A question was asked as to whether fiber would be provided in the community. One owner specifically said that if fiber was provided from the community to his home it would change his opinion of the development.
24. A request was made that the subject property be developed for a park.
 - a. The applicant indicated that the proposed developer intends to develop the site as a mixed use community of 160 townhomes and up to 11,000 square feet of nonresidential uses.
25. The owner of an adjoining property indicated that he owned a pool and expressed concern about security with a new development coming in.
 - a. The applicant noted the location of the pool and said they would review what could be done in that area.
26. A number of questions were raised related to existing encumbrances from adjacent properties onto the subject property.
 - a. The applicant said they would follow up with these owners to see what could be done with the owners to resolve these encumbrances.
27. A question was raised about topography and to what extent the site would need fill dirt.
 - a. The applicant indicated that they would make efforts to minimize the amount of fill needed and would try to balance the site with soils from the property, but confirmed that the site would need to be balanced through grading.

NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: Zoom meeting (virtual)

Date of meeting: November 29, 2021 Time of meeting: 5:00 pm - 7:00 pm

Property Owner(s) name(s): See attached list of property owners

Applicant(s): Beazer Homes, Morningstar Law Group and Peak Engineering & Design

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Rajat Jain	2829 Holland Road			
2.	Christopher and Karen Montgomery	2909 Holland Road			
3.	Mark Hopkins	3017 Holland Road			
4.	Richard Colby	1007 Winding Creek Drive			
5.	Larry Goll	1003 Winding Creek Road			
6.	Derek Neverosky	2109 Old US 1 HWY			
7.	Belinda Camp	2008 Old US 1 HWY			
8.	Jason Barron	Morningstar Law Group			
9.	Jason Vickers	Beazer Homes			
10.	Jeff Roach	Peak Engineering			
11.	Elizabeth Stitt				
12.					
13.					
14.					

Use additional sheets, if necessary.

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Jeffrey A. Roach, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom meeting (location/address) on November 30, 2021 (date) from 5:00 pm (start time) to 7:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

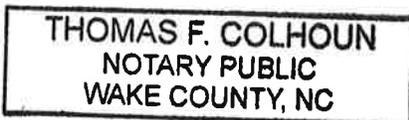
11/30/2021
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Thomas F. Colhoun, a Notary Public for the above State and County, on this the 30 day of November, 2021.

SEAL



Thomas F. Colhoun
Notary Public
Thomas F. Colhoun
Print Name

My Commission Expires: 10/25/2025

Sears Property PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted: December 1, 2021

Resubmitted: February 11, 2022

Resubmitted: April 8, 2022

PREPARED BY:



Section 1: Table of Contents – PUD Text

Section 1: Table of Contents

Section 2: Vicinity Map

Section 3: Project Data

Section 4: Purpose Statement

Section 5: Permitted Uses

Section 6: Design Controls

Section 7: Architectural Controls

Section 8: Parking and Loading

Section 9: Signage

Section 10: Natural Resource and Environmental Data

Section 11: Stormwater Management

Section 12: Parks and Recreation

Section 13: Public Facilities

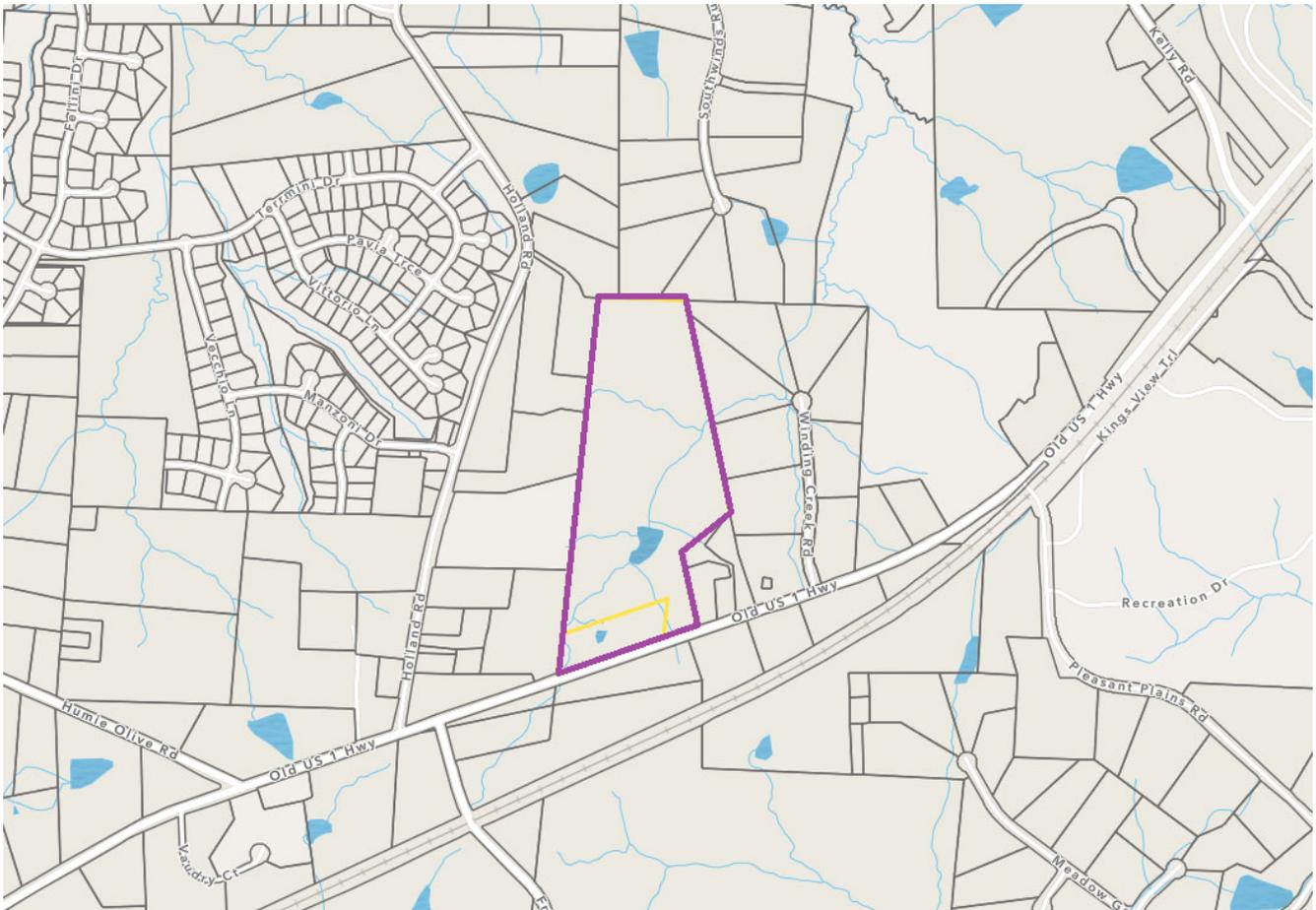
Section 14: Phasing Plan

Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Transportation Plan and Bicycle Plan

Section 2: Vicinity Map



The Sears Property PUD is located in the Town of Apex, north of Old US 1 Highway, east of Holland Road and west of Winding Creek Road. Old US 1 Highway provides frontage along the southern boundary of the subject property. The development is surrounded on three sides by large lot residential parcels with the exception of a church located on one of the parcels immediately to the west.

Section 3: Project Data

A. Name of Project:

Sears Property PUD

B. Property Owners:

Brian S. Sears
2804 Holland Rd
Apex, NC 27502

The Masonic Lodge of Apex, NC #584
2804 Holland Road
Apex, NC 27502

Belinda S. Camp
2804 Holland Road
Apex, NC 27502

Pleasant Plains Baptist Church of Apex
28404 Holland Road
Apex, NC 27502

Robert Larry Sears
2108 Old US 1 Hwy
Apex, NC 27502

Prepared By:

Jason Barron and Nil Ghosh
Morningstar Law Group
421 Fayetteville St | Ste 530
Raleigh, NC 27601

C. Current Zoning Designation:

Rural Residential (RR)

D. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

E. Current 2045 Land Use Map Designation:

Medium Density Residential (3-7 units/acre); and
Office Employment

F. Proposed Use

- Up to 160 Townhouses with associated open space, recreational amenities, and infrastructure; and
- Up to 11,000 square feet of non-residential space

G. Size of Project

A total of +/-26.218 acres

- approximately 19.258 acres for residential
- approximately 6.96 acres for non-residential

Section 4: Purpose Statement

The Sears Property PUD development will be a mixed-use community with townhouses in the residential component and connectivity to a neighborhood scale non-residential area along Old US 1 Highway. The project provides a mixed-use concept given the site has frontage along Old US 1 Highway and the site is otherwise surrounded with residential uses. The portion of the development adjacent to Old US 1 Highway is designated for Office/Employment. The mixed-use concept for this project is to provide a transition both in density and in use between the existing large lot single-family homes to Old US 1 Highway and provides an orderly pattern of land uses.

This concept is consistent with the Town's stated PUD goals to provide site-specific, high-quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO
- Provide for the preservation of existing environmentally sensitive areas.
- Provide for site specific and appropriate stormwater controls that exceed the requirements of the UDO.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Offer medium density housing and employment opportunities in an area slated for those uses on the 2045 Land Use Designation Map.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability, and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ) District*, except as provided for herein. The proposed PUD will provide a development density that is consistent with principles found throughout *Advance Apex 2045*.

Section 5: Permitted Uses

The subject property may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO, except as modified herein. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply. Specifically, the permitted uses include:

Within the area designated for Residential on the PD Plan

- Townhouse
- Greenway
- Recreation facility, private
- Park, active
- Park, passive
- Utility, minor

Within the area designated for Non-Residential on the PD Plan

- Ambulatory Health-care Facility with Emergency Department
- Day care facility
- Government services
- Veterinary clinic or hospital
- Utility, minor
- Park, active
- Recreational facility, private
- Medical or dental laboratory
- Barber and beauty shop
- Floral shop
- Printing and copying services
- Real estate sales
- Tailor shop
- Microbrewery
- Microdistillery
- Drop-in or short-term day care
- Vocational school
- Botanical garden
- Greenway
- Park, passive
- Restaurant, drive-through
- Medical or dental office or clinic
- Office, business or professional
- Artisan Studio
- Financial institution
- Health/fitness center or spa
- Pet services
- Youth or day camps

Sears Property PUD

Additionally, the following conditions shall apply:

- A. A maximum of 160 residential units shall be permitted upon the property.
- B. A maximum of 11,000 square feet of non-residential uses shall be established on the property.
- C. No covenant shall be placed on the property which prohibits accessory apartment as a use.
- D. Outdoor storage shall not be permitted for non-residential uses.
- E. All townhouses and non-residential buildings shall provide solar conduit for the installation of rooftop solar panels.
- F. Signage or informational brochures shall be provided by any homeowner's association regarding the need to reduce pet waste and eliminate fertilizer near SCMs. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area to reduce pet waste and eliminate fertilizer near SCMs. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
- G. The project shall provide diverse and abundant pollinator sources and install pollinator-friendly flora within SCM Planting areas.
- H. The project shall include plantings within perimeter buffers and along streetscapes; the selected species shall be native species chosen from the Apex Design & Development Manual or approved by Planning staff.
- I. Deciduous shade trees shall be planted along southern sides of building elevations and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- J. Evergreen trees shall be planted along northern elevations of buildings and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- K. A minimum of three (3) native hardwood tree species shall be planted throughout the development.
- L. The project shall increase biodiversity within the amenity area and recreational areas within the development by: selecting and installing tree, shrub, and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Subject to Condition K above, no single species shall constitute more than 20% of the selected plants for each landscaping type (trees, shrubs and perennials.)
- M. The project shall include landscaping that requires less irrigation and chemical use by planting warm season grasses and drought tolerant species for drought-resistance within perimeter buffers, SCMs, and along streets.
- N. The exterior lighting for all non-residential buildings, parking lots, and amenity areas will consist of entirely of LED fixtures. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots and private amenity areas.
 - a. The project within the amenity area shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting located within parking lot, private amenity areas, and building mounted fixtures on non-residential buildings.
- O. A minimum of three (3) pet waste stations shall be installed within the development located around the SCMs, play lawns, and gathering areas.

- P. SCMs and their associated grading shall not be located within riparian stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.
- Q. Of the permitted residential townhouse dwellings, at least five (5) restricted median-income affordable housing townhouse ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against each residential restricted median-income affordable housing townhouse ownership unit concurrently at the close of escrow upon the sale of the Affordable Housing Units to memorialize the affordable housing terms and conditions. The five (5) Affordable Housing Unit lots shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the five (5) Affordable Housing Unit lots prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.

Section 6: Proposed Design Controls

A. Non-Residential Densities and Design Controls

Maximum Square Feet: 11,000
 Maximum Height: 60 feet
 Maximum Built-Upon Area: 70%

Design Controls –

Minimum Building Setbacks

	Non-Residential (feet)
Street	20
Side	20
Rear	20
Building-to-buffer/RCA	10
Parking-to-buffer/RCA	5

B. Residential Densities and Design Controls

- Maximum Density: 6.1 Units/Acre
(includes RCA and rights-of-way)
- Maximum Number of Units: 160
- Maximum Built-Upon Area: 65%
- Minimum Lot Width: 20 feet for townhouse
- Maximum Building Height: 36 feet, no more than 2 stories

Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.

Minimum Building Setbacks:

	Townhouse (feet)
Front	10
Front (garage)	20
Side	3 (end unit); 6 (aggregate)
Side (corner)	6
Rear	10
Building-to-building	10
Building-to-buffer/RCA	10
Parking-to-buffer/RCA	5

C. Buffers

Perimeter Buffers

- Northern boundary: 20-foot Type B
- Southern boundary (Old US 1 HWY): 30-foot Type E
- Western boundary: 20-foot Type B
- Eastern boundary: 20-foot Type B

Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity.

Thoroughfare and Collector Street Buffers

As depicted on the PD Plan, a 30' Type E Buffer shall be established along Old US 1 Highway.

Section 7: Proposed Architectural Controls

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Master Subdivision submittal. The following conditions shall apply:

Townhouse:

- A. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- B. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
- C. Garage doors must have windows, decorative details, or carriage-style adornments on them.
- D. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- E. The garage cannot protrude more than 1 foot from the front façade or front porch.
- F. Front facades shall have horizontal relief achieved using recesses and projections.
- G. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- H. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- I. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Bay windows
 - Recessed windows
 - Decorative windows
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick or stone
 - Decorative trim
 - Decorative shakes
 - Decorative air vents on gables
 - Decorative cornice
 - Column on gable
 - Portico
 - Balcony
 - Dormer
 - Decorative gable

Non-residential

Building orientation and hierarchy:

1. Buildings shall be arranged to define, connect, and activate pedestrian edges and public spaces.
2. Buildings shall be consistent in scale, massing, relationship to the street, and style.
3. The buildings shall be placed to maintain a consistent street edge. The relationship of the building to the street edge shall emphasize pedestrian circulation. Pedestrian spaces such as sidewalk dining or shaded seating are encouraged. Whenever practical, required parking and open space shall be maintained in the rear or sides of a building.
4. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed forty (40) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades.
5. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
6. Buildings on corners are to be treated as gateways with quality design.
7. Corner buildings shall match or exceed the height of adjacent buildings.
8. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
9. Service bays should be located in the rear of structures.
10. The orientation of drive thru- lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. If drive-thru lanes must be located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Pick-up windows shall be de-emphasized through screening and/or architectural elements.

Façade elements:

11. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance.
12. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) foot of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.

Sears Property PUD

Windows:

13. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
14. The highest percentage of glazing shall be provided at the street level. For buildings (where it is appropriate): (1) a minimum of fifty (50%) percent of the street level façade area shall be transparent or spandrel glass; and (2) second floors, where provided, shall have a minimum of thirty-five (35%) percent transparency or spandrel glass for the total façade area. Overall vertical building proportions shall be expressed in the window proportions. Expanses of vertical windows which give the overall appearance of horizontal massing shall be avoided.

Roof elements:

15. Simple parapet roof edges with varying coping and cornice shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
16. Each building shall have more than one parapet height.
17. Roof features may include hip roofs or awnings with metal or shingle roofs.

Materials and colors:

18. Buildings shall be architecturally compatible by way of colors and use of materials.
19. Each building exterior shall have more than one material color.
20. The exterior materials shall include a combination of building materials. The primary (front) façade materials of the main buildings include:
 - Brick masonry
 - Decorative concrete block (either integrally colored or textured)
 - Stone accents
 - Aluminum storefronts with anodized or pre-finished colors.
 - EIFS cornices and parapet trim.
 - Precast concrete
21. Exterior materials that will not be allowed are as follows:
 - Vinyl siding
 - Painted, smooth faced concrete block (decorative blocks are acceptable)
 - Metal walls
22. EIFS or synthetic stucco shall not be used in the first four feet (4') above grade and shall be limited to only 25% of each building façade
23. Soffit and fascia materials may be EIFS with crown trim elements.

Section 8: Parking and Loading

Parking for the development shall meet requirements of UDO Section 8.3.

Section 9: Signage

All signage for this PUD shall comply with Apex UDO Section 8.7, *Signs*, of the Town of Apex UDO.

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located within the Beaver Creek Basin and the Cape Fear River Basin. The Town's Watershed Protection Overlay District Map shows the site is within the Primary Watershed Protection Overlay District and contains FEMA designated 100-year floodplain.

B. Resource Conservation Areas (RCA) – Required and Provided

This PUD will be subject to, and meet the requirements of Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts*.

The site is located on the west side of the 540 corridor and therefore is required to preserve a minimum of 30% Resource Conservation Area (RCA) for areas used for residential uses and a minimum of 25% RCA for areas used for nonresidential uses. Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCA's throughout the site. Additional RCA area provided may include stormwater management areas, perimeter buffers, play lawns, and greenway trails within the walkable community.

C. Historic structures

Based upon the information contained within the North Carolina State Historic Preservation Office website, there are no historic structures present within the project boundary.

Section 11: Stormwater Management

Development shall meet all stormwater requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events. The development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO, such that post development peak runoff shall not exceed pre-development peak runoff rate for the 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events.

Section 12: Parks and Recreation

Sears Property PUD #21CZ31 was reviewed at the February 23, 2022 PRCR Advisory Commission. The Commission unanimously recommended a fee-in-lieu of dedication for a maximum of 160 Single-Family Attached units. Land dedication was not recommended as this property is located in very near proximity to the Apex Nature Park, the future Pleasant Park, and Olive Farm Park(s). The current 2022 fee rate per unit is \$2,528.25.

Per Article 14 of the UDO, any credit for greenway construction against fees requires the approval of construction plans, contingent upon approval of an engineer's estimate of probable cost for greenway construction.

Section 13: Public Facilities

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed according to sound engineering standards and shall comply with Town of Apex Sewer and Water Master Plan and the Town of Apex Standards and Specifications. Specifically, road and utility infrastructure shall be as follows:

- **General Roadway Infrastructure**

Developer shall provide minimum frontage widening based on ½ of the ultimate cross section as shown on the adopted Transportation Plan in effect at time of Master Subdivision Plan submittal. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site as required by the UDO.

Refer to the concept plan of the PUD plan for proposed access points, stub street extensions, and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Master Subdivision Plan review and approval.

- **Transportation Improvements**

All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval. Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

Old US 1 Highway

All development frontage improvements along Old US1 shall be provided based on a minimum 34' edge-to-edge roadway including two 11' travel lanes and 6' bike lanes on 110' right-of-way, planned for eventual widening to a 4-lane median-divided section. 5' sidewalk shall be provided along the development frontage 1' offset from the ultimate right-of-way.

A maximum of two (2) access points shall be proposed on Old US 1 Highway, to be located east of Friendship Road providing one (1) full-movement access and one (1) right-in/right-out access.

Sears Property PUD

Old US 1 Hwy and Site Drive #1

- The Developer shall construct the southbound approach with one (1) ingress lane and one (1) egress lane striped as a right-in/right-out.
- The Developer shall provide stop-control for the southbound approach.
- At the time of constructing Site Drive #1 as a right-in/right-out access, Developer shall provide a westbound right-turn lane on Old US 1 Highway with of 50 feet of storage plus appropriate deceleration length and taper per NCDOT guidance and a 4' or greater concrete median divider along the centerline of Old US 1 Highway to prevent left turns.

Old US 1 Hwy and Site Drive #2

- At the time of constructing Site Drive 2 as a full-movement access, developer shall provide a southbound approach with two egress lanes including an exclusive left turn lane and an exclusive right turn lane with 50 feet of storage and appropriate deceleration length and taper for a 25 mph design speed. In addition, developer shall provide an eastbound left turn lane on Old US 1 with 50 feet of storage plus appropriate deceleration length and taper per NCDOT guidance.

Requested by NCDOT

Old US Hwy 1 and Site Drive 2

- If sufficient right-of-way is available or obtained from adjacent property owners, the Developer shall construct an exclusive westbound right-turn lane on Old US 1 Hwy with a minimum of 50 feet of storage with appropriate deceleration and taper length per NCDOT guidance.

- **Wayfinding Improvements**

Wayfinding measures at the site shall be provided to facilitate the movement of vehicles and pedestrians to and within the development.

- **Water and Sanitary Sewer**

All development within the project shall be served by the Town of Apex water and sanitary sewer facilities. The utility design will be finalized at the time of development plan review and approval upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. All utility infrastructure shall meet current Town water and sewer master plans.

- **Other Utilities**

Electricity will be provided by Apex Electric. Phone, cable, and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

Section 14: Phasing Plan

This PUD and all improvements required to support the uses contemplated by the PUD, including without limitation infrastructure and public facilities, may be completed in multiple phases, with construction anticipated to begin in 2023. Project phasing will be planned to ensure the points of access, RCA, stormwater controls and other design standards are met in accordance with the UDO. A final phasing plan will be incorporated within the Master Subdivision Plans (MSP) for review and approval through the Technical Review Committee.

Section 15: Consistency with the 2045 Land Use Map

The proposed land use is consistent with the Town of Apex’s 2045 Land Use Map.

Section 16: Compliance with the UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town’s Unified Development Ordinance (UDO). Any deviations from UDO requirements have been specifically defined within this document. No deviations from the UDO are currently anticipated with the project zoning documents.

Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan

Development plans submitted pursuant to this rezoning shall comply with the adopted Comprehensive Transportation Plan in effect at the time of the development plan submittal, as provided for in the Unified Development Ordinance. Further, development of the property shall be consistent with the Town’s adopted Bicycle Plan in effect at the time of the development plan submittal.

SEARS PROPERTY PUD

PLANNED UNIT DEVELOPMENT CONDITIONAL ZONING OLD U.S. 1 HIGHWAY APEX, NORTH CAROLINA DECEMBER 1, 2021 Zoning Case #21CZ31

SITE INFORMATION:

Property Owner(s)/Site Address	PIN	REID	Map Number	Deeded Acreage	Deed Book/Plat Book & Page
SEARS, BRIAN S CAMP, BELINDA S. THE MASONIC LODGE OF APEX, NC #584 PLEASANT PLAINS BAPTIST CHURCH OF APEX, NC 0 OLD US 1 HWY APEX, NC 27502	0731-10-7868	464914	073103	23.853	DB 18552 PG 247-251 BM 2019 PG 01919
SEARS, ROBERT LARRY 2108 OLD US 1 HWY APEX, NC 27502	0731-10-7055	82802	073103	2.365	DB 2374 PG 459 DB 1073 PG 113 BM 2019 PG 247
Total acreage:				26.218 acres	

Existing Zoning: RR (Rural Residential)
Proposed Zoning: PUD-CZ (Planned Unit Development - Conditional Zoning)

Current 2045 Land Use Map: Medium Density Residential & Office Employment
Existing Use: Vacant, Agricultural

Township: Buckhorn

Flood Zone Information: Firm Panel 3720073100J dated 5-2-2006 does not show the presence of flood zones on the properties
Watershed Information: Primary Watershed Protection Overlay District, Beaver Creek Basin, Cape Fear River Basin

Historical: No historical structures on site

Proposed Uses:

Residential:

- Townhouse
- Greenway
- Recreation Facility, private
- Park, active
- Park, passive
- Utility, minor

Non-Residential:

- Ambulatory Health-care Facility with Emergency Department
- Day care facility
- Government services
- Veterinary clinic or hospital
- Utility, minor
- Park, active
- Recreational facility, private
- Medical or dental laboratory
- Barber and beauty shop
- Floral shop
- Printing and copying services
- Real estate sales
- Tailor shop
- Microbrewery
- Youth or day camps
- Microdistillery
- Drop-in or short term day care
- Vocational school
- Botanical garden
- Greenway
- Park, passive
- Restaurant, drive-through
- Medical or dental office or clinic
- Office, business or professional
- Artisan studio
- Financial institution
- Health/fitness center or spa
- Pet services

Buildings: 160 Townhouses
11,000 SF Non-Residential Building

Acreage: 26.218 acres
Townhouse: 19.258 acres
Non-Residential: 6.96 acres

Townhouse Density: 6.13 DU/acre (160 DU / 26.218 acres)

Building Height:
Townhouses: 36 feet / 2-stories
Non-Residential: 36' - 60' maximum (to be determined based upon use)

Built Upon Area (BUA):
Townhouses: 65%
Non-Residential: 65% - 70% (to be determine based upon use)

Building Setbacks:
Townhouses: 10 feet
Non-Residential: 20 feet
Front: 10 feet
Front (garage): 20 feet
Side (end unit): 3 feet
Side (corner): 6 feet
Rear: 10 feet
Building to Building: 10 feet
Building to Buffer/RCA: 10 feet
Parking to Buffer/RCA: 5 feet

Parking: Parking shall comply with UDO Section 8.3.2

Townhouses: 2 spaces per dwelling unit plus .25 per unit for guest parking
2 spaces x 160 dwelling units = 320 spaces
Townhouses: .25 x 160 dwelling units = 40 spaces
360 parking spaces required

Non-Residential: To Be Determined Based Upon Use and UDO requirements

DRAWING INDEX:

C000	COVER SHEET
C001	EXISTING CONDITIONS
C100	CONCEPTUAL SITE PLAN
C200	CONCEPTUAL UTILITY PLAN

OWNER/DEVELOPER

BEAZER HOMES
MATT CHRISTENSEN
801 CORPORATE CENTER DRIVE SUITE 303
RALEIGH, NC 27607
PHONE: (919) 995-5607

TRANSPORTATION ENGINEER

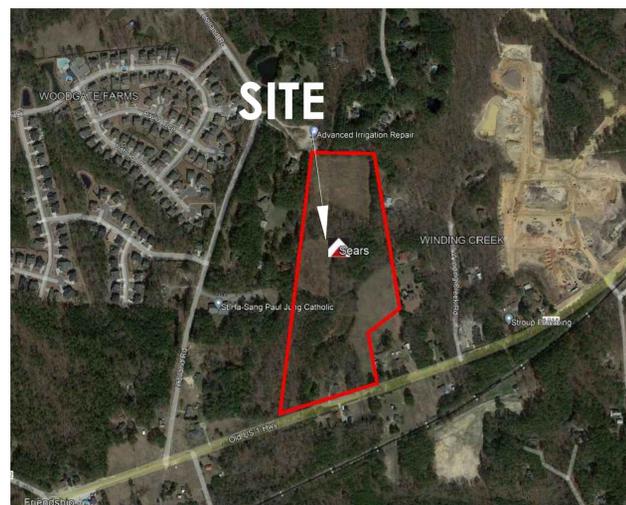
RAMEY KEMP & ASSOCIATES
NATE BOUQUIN
5808 FARINGDON PLACE SUITE 100
RALEIGH, NC 27609

CIVIL ENGINEER

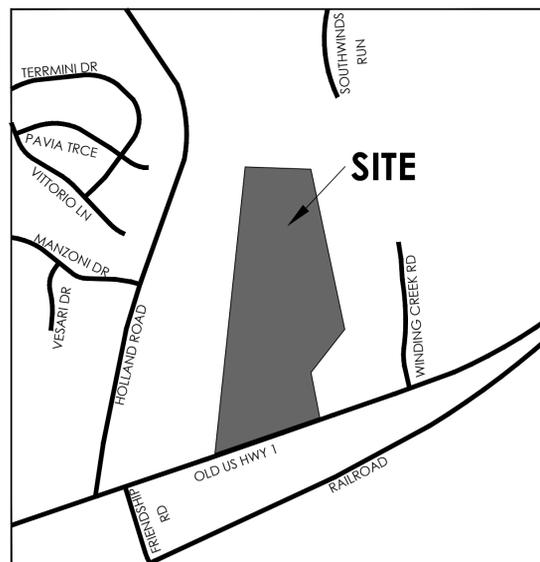
PEAK ENGINEERING & DESIGN, PLLC
JEFF ROACH, P.E.
1125 APEX PEAKWAY
APEX, NC 27502
PHONE: (919) 439-0100

ENVIRONMENTAL CONSULTANT

SAGE ECOLOGICAL SERVICES, INC.
SEAN CLARK
3707 SWIFT DRIVE
RALEIGH, NC 27606



AERIAL MAP
NOT TO SCALE



VICINITY MAP
NOT TO SCALE



THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY

seal:

NO.	DATE	REVISION	BY
1	MARCH 10, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JE
2	APRIL 8, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JE
3	APRIL 25, 2022	TOWN OF APEX - 3RD ZONING COMMENTS	JE

title:
COVER SHEET

proj #:
190203

date:
December 1, 2021

dwg by: chkd by:
JE JR

scale:
As Noted

sheet:
C000

SKETCH PLAN

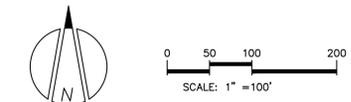


WETLANDS

TREE LEGEND

- PINE TREES (>18" DBH)
- DECIDUOUS TREES (>18" DBH)

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY



1 EXISTING CONDITIONS
C001 SCALE: 1" = 100'

Project:
SEARS PROPERTY PUD
OLD US 1 HWY
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

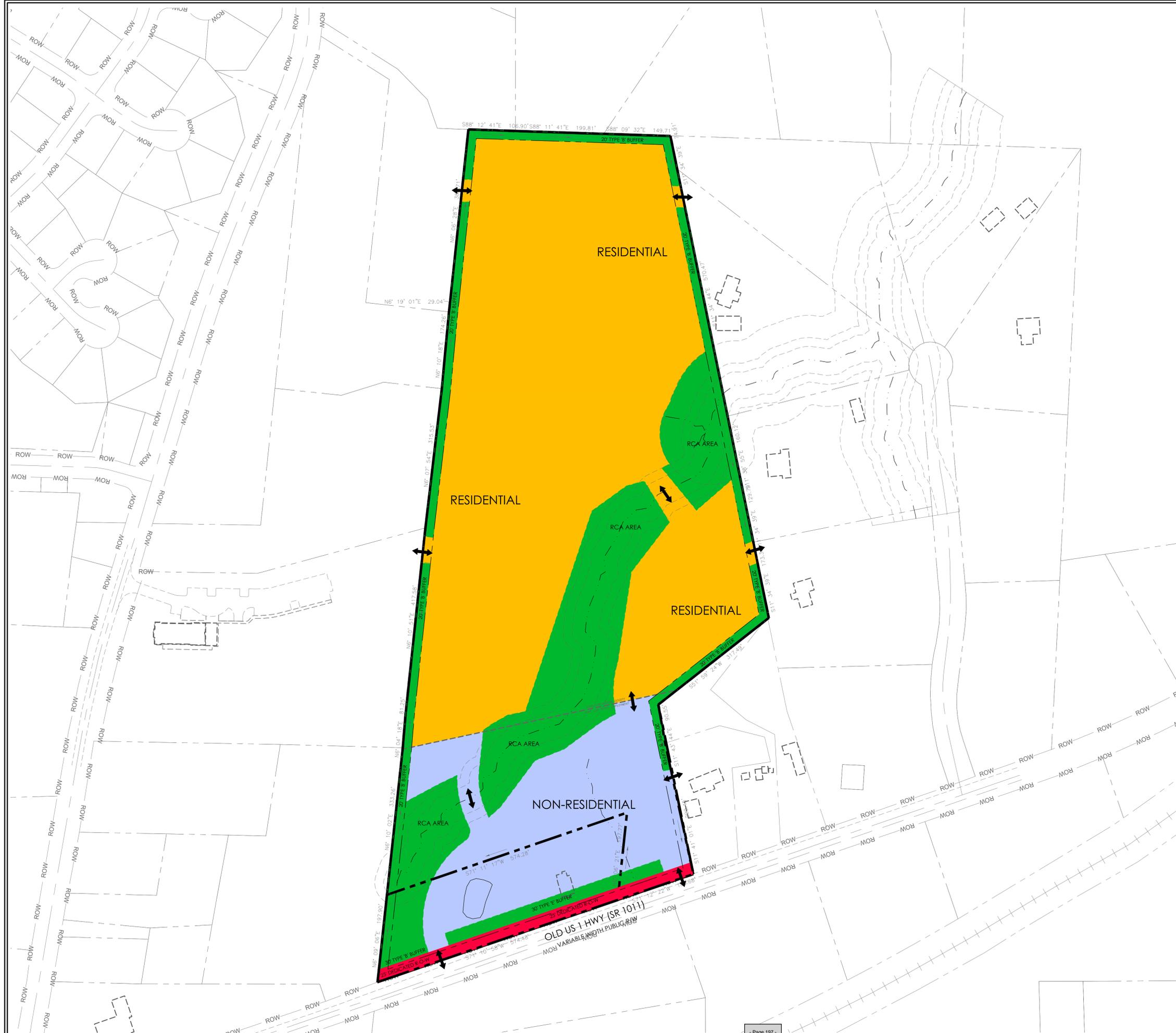
seal:

NO.	DATE	REVISION	BY
1	MARCH 10, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	APRIL 8, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR
3	APRIL 25, 2022	TOWN OF APEX - 3RD ZONING COMMENTS	JR

title:
EXISTING CONDITIONS

proj #: 190203
date: December 1, 2021
dwg by: chkd by: JE JR
scale: As Noted

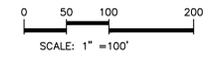
sheet:
C001
SKETCH PLAN



- BUFFERS/RCA/SCMs
- RESIDENTIAL
- NON-RESIDENTIAL
- DEDICATED R-O-W

- PROJECT PERIMETER BOUNDARY
- POTENTIAL ACCESS POINTS

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY



1 CONCEPTUAL SITE PLAN
C100 SCALE: 1" = 100'

Project:
SEARS PROPERTY PUD
OLD US 1 HWY
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

seal:

NO.	DATE	REVISION	BY
1	MARCH 10, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	APRIL 8, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR
3	APRIL 25, 2022	TOWN OF APEX - 3RD ZONING COMMENTS	JR

title:
CONCEPTUAL SITE PLAN

proj #:
190203

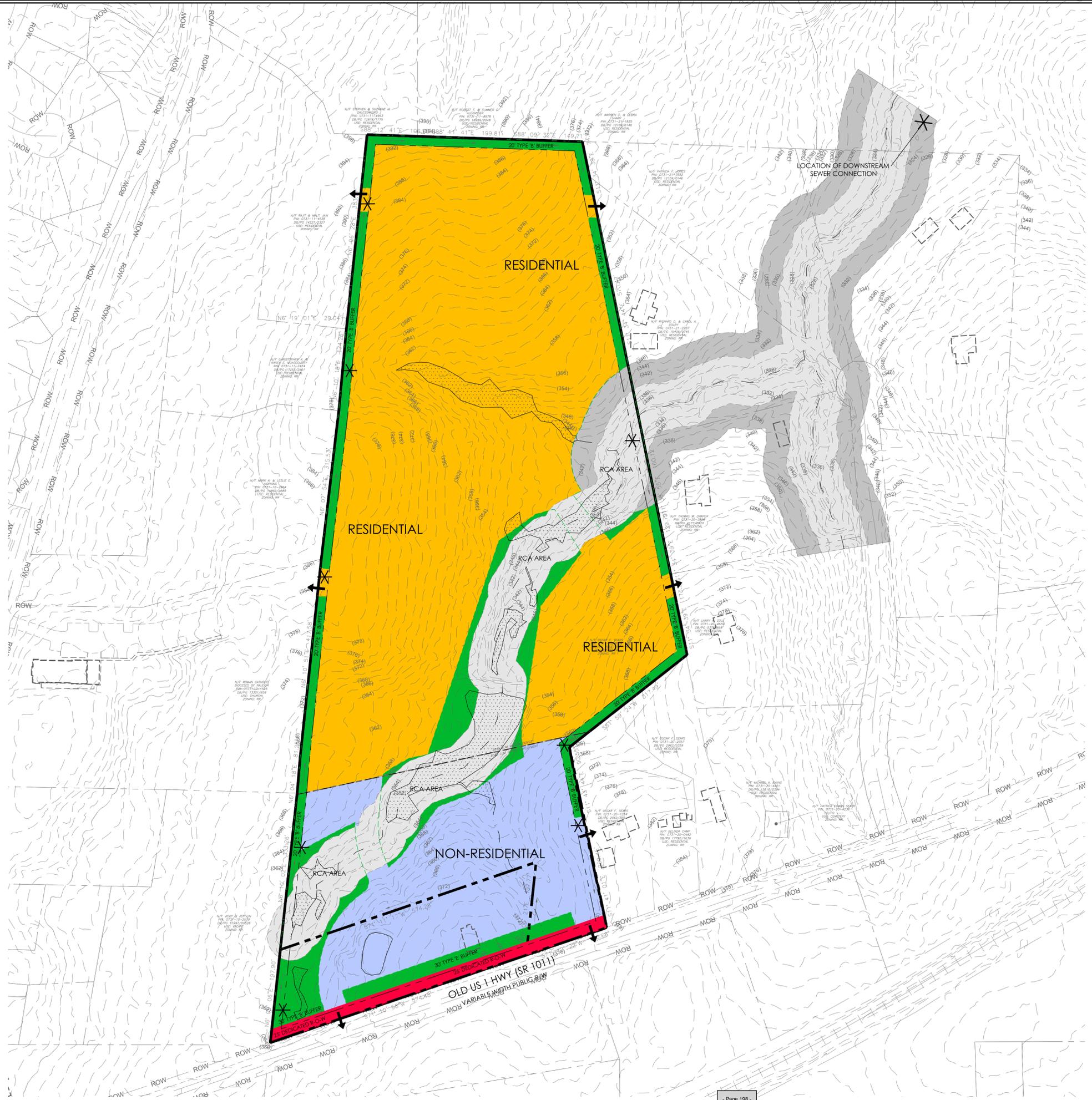
date:
December 1, 2021

dwg by: chkd by:
JE JR

scale:
As Noted

sheet:
C100

SKETCH PLAN

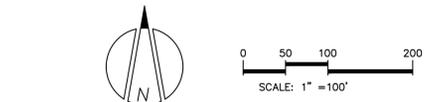


UTILITY NOTES:

1. THE SITE IS REQUESTING FULL TOWN SERVICES - WATER, SEWER AND ELECTRICITY.
2. THIS SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.

- ↑ PROPOSED WATER CONNECTIONS
- ✕ PROPOSED SEWER CONNECTIONS
- PROJECT PERIMETER BOUNDARY

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY



1 CONCEPTUAL UTILITY PLAN
C200 SCALE: 1" = 100'

NC License #P-0673

Project:
SEARS PROPERTY PUD
OLD US 1 HWY
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

seal:

NO.	DATE	REVISION	BY
1	MARCH 10, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	APRIL 8, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR
3	APRIL 25, 2022	TOWN OF APEX - 3RD ZONING COMMENTS	JR

title:
CONCEPTUAL UTILITY PLAN

proj #: 190203
date: December 1, 2021
dwg by: chkd by: JE JR
scale: As Noted
sheet:

C200
SKETCH PLAN



Building A - East Elevation 3
1/8" = 1'-0"



Building A - North Elevation 2
1/8" = 1'-0"



BUILDING A - NE PERSPECTIVE VIEW 1

Building elevations are for illustrative purposes only



BRICK 1



DARK BRONZE ALUMINUM CANOPY & STOREFRONT

m.look NCore®
The Non Combustible material with the highest degree of architectural freedom and design possibilities for limitless ideas.

m.look NCore offers the unique combination of a non combustible rainscreen material which comes in the full range of 121 colors and decors for unlimited architectural ideas and any building height.

Material in compliance with sections 703.5.1 and 703.5.2 of the 2015 IBC for materials considered non combustible based on code requirements and passing ASTM E136 and E84 test protocol

- ADVANTAGES**
- Large 52 23/64"x137 51/64" panel size
 - Scratch resistant
 - Graffiti resistant
 - Non-porous and easy to clean
 - Easy to install
 - Light weight facade panel
 - Extremely UV and weather resistant
 - Impact resistant
 - Double-hardened, NT® surface
 - 121 colors/decors

- APPLICATIONS**
- Exterior:** rainscreen facades, balcony cladding, soffits, sun protection, fence elements.
- Interior:** wall cladding, ceilings, partitions for offices and restrooms, staircase and handrail infill panels, stairwell and emergency exit cladding.



PHOTO: CHRISTOP LACKNER - ARCHITECT: SUDOP PRANA A.S.



HPL WALL PANEL - WOOD LOOK

Building elevations are for illustrative purposes only



65%



35%

BRICK 2 COMBINATION OF TWO BRICK TYPES

Primed for Paint

Size Options

Thickness 0.312"
Weight 2.40 lbs. per square foot
Length 144"

Widths	6.25"	8.25"	12"
Exposures	5"	7"	10.75"
Pcs./Pallet	306	230	152

Widths	5.25"	7.25"	9.25"
Exposures	4"	6"	8"
Pcs./Pallet	360	252	190

CEMENTITIOUS SIDING JAMES HARDIE LAP SIDING COLOR PER ELEVATIONS



Non-Residential Design Guidelines:

- Buildings shall be arranged to define, create and activate edges and public spaces.
- Every effort shall be made to locate service and loading areas in the rear of the structures. Where these features are located between the building and a public road, they will be designed in such a way that they do not distract from the character of the development and they will be screened in accordance with the UDO.
- Drive-thru lanes, pick-up windows and other like functions shall be allowable if located facing an adjacent street or drive. Landscaping and/or other architectural features should be used to create screening for these types of uses.
- Elevations of building facing a street shall incorporate detailing in keeping with the character and style of other architectural features.
- Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass and window placement to generate street interest.
- Architectural treatments such as varying roof forms, facade articulation, breaks in roof, walls with texture material and ornamental details as well as landscaping shall be incorporated to add visual interest.
- Differences in roof height, pitch, ridgelines and materials may be used to create visual interest and avoid repetition.

Non-residential exteriors shall incorporate variation in materials. The primary (front) facade of the buildings to be considered may include:

- Brick and/or stone masonry
- Decorative concrete block (integral color or textured)
- Stone accents
- Aluminum storefront with anodized or pre-finished colors
- EIFS cornices and parapet trim
- EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to 25% of each building facade
- Precast concrete
- Roof features may include flat roofs with parapet, hip roofs or awings with metal or canvas material
- Soffit and fascia materials to be considered include EIFS with crown trim elements
- Cementitious siding
- Tile
- Heavy Timber accent elements

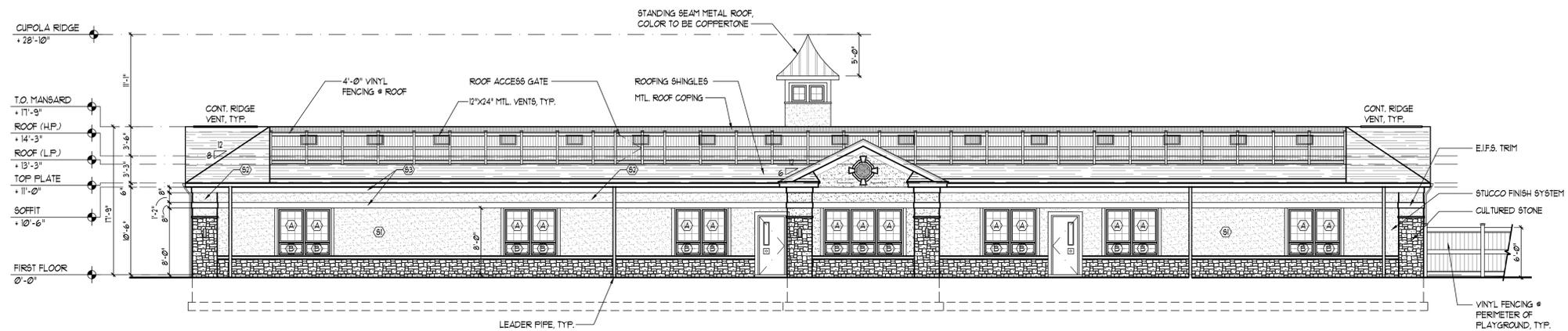
Non-residential buildings visible from the public view shall be constructed with compatible materials. Rear elevations of non-residential buildings facing opaque landscape buffers or not visible from vehicular use areas or public rights-of-way may incorporate decorative concrete masonry, metal coping, and EIFS trim.

Exterior materials that are not allowed as part of the development are as follows:

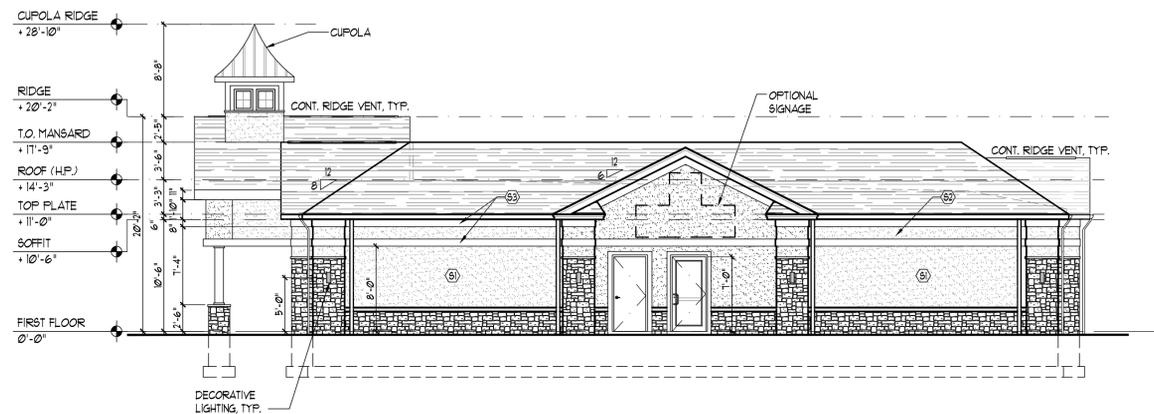
- Vinyl siding
- Painted, smooth faced concrete block
- Metal walls



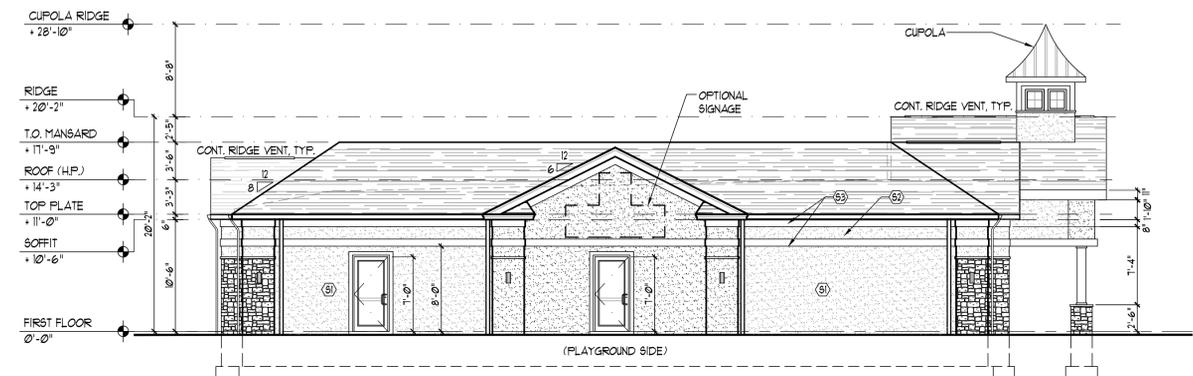
FRONT ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

Building Elevations are for illustrative purposes only

STUCCO FINISH SCHEDULE		
DESCRIPTION	COLOR	
① BODY	10611 MOONLIT SAND	
② ACCENT	32132 SPECTRAL	
③ TRIM	9433 WHITE	

WINDOW SCHEDULE		
MODEL	SIZE	
① P2840	2'-8" x 4'-0"	
② AR3	2'-8" x 1'-5"	
③ CN12	1'-9" x 2'-0 5/8"	

These plans are copyrighted and are subject to copyright protection as an "architectural work" under Sec. 102 of the Copyright Act, 17 U.S.C. as amended December 1990 and known as Architectural Works Copyright Protection Act of 1990.

ARCHITECT OF RECORD:

J.A. Mihalik | Architect

373 Route 46 West
 Building D, Suite 240
 Fairfield, New Jersey 07004
 ph: 973-291-3730 fax: 973-291-3740
 e: jmihalik@jam-arch.com

JUSTIN A. MIHALIK, AIA
 NJ LIC. # AI 13989
 NY LIC. # 027468
 PA LIC. # RA402349
 CT LIC. # 10431
 ME LIC. # ARC3180
 MD LIC. # 17519
 NC LIC. # 11821
 FL LIC. # AR 95150
 VA LIC. # 16368

NOT VALID FOR CONSTRUCTION WITHOUT SEAL

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

Project:

North Carolina
 11,200 Prototype

Developer:

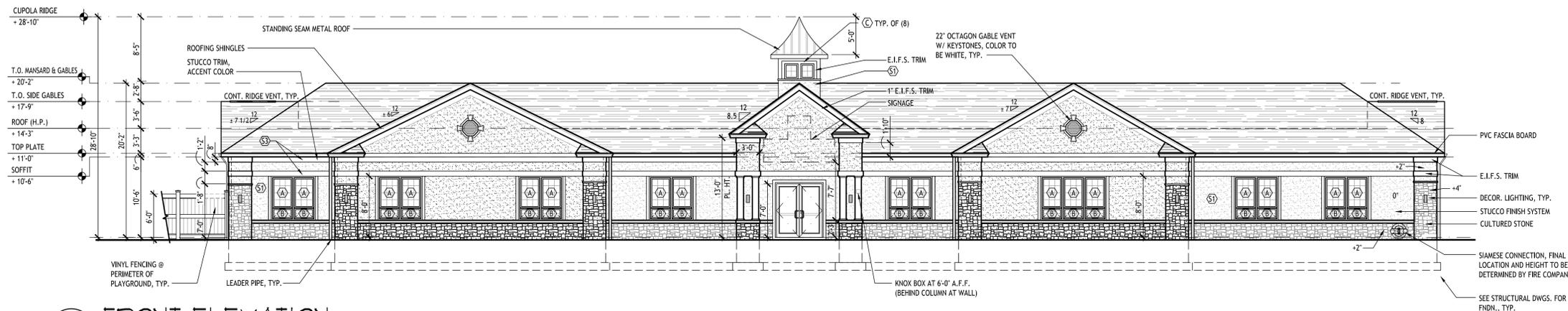
LOT: -
 BLOCK: -

SHEET TITLE:
 BUILDING ELEVATIONS
 SCHEDULES, DETAIL &
 NOTES

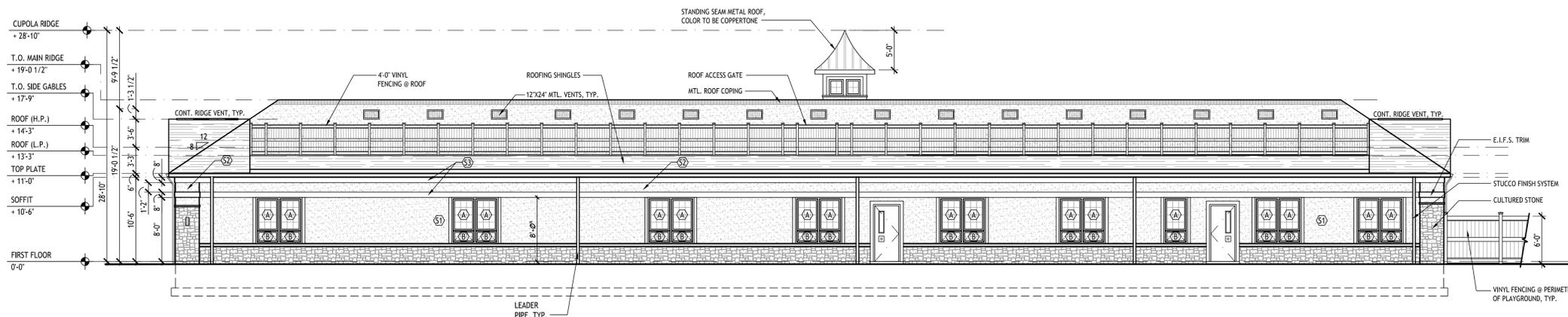
Rev. #	Date	Remarks
05/10/2019		ISSUED TO DEVELOPERS
08/13/2018		ISSUED TO DEVELOPER FOR REFERENCE
08/07/2018		PROTOTYPE CHANGES
04/23/2018		ISSUED FOR REVIEW
09/13/2017		ISSUED FOR REVIEW

JOB NUMBER: NO PROTOTYPE
 DATE: 09/28/2017
 DRAWN BY: JAM/CJ/KM
 CHECKED BY: JAM

SHEET NO.
PR-3

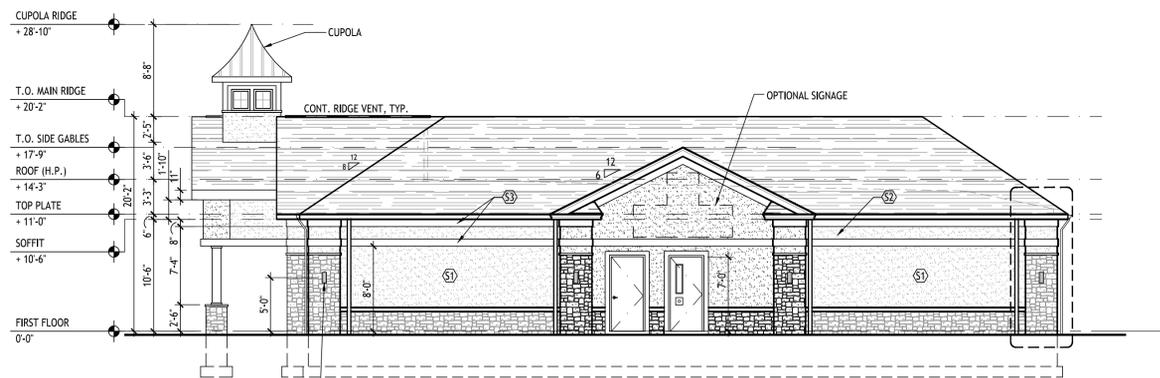


1 FRONT ELEVATION
 SCALE: 1/8" = 1'-0"

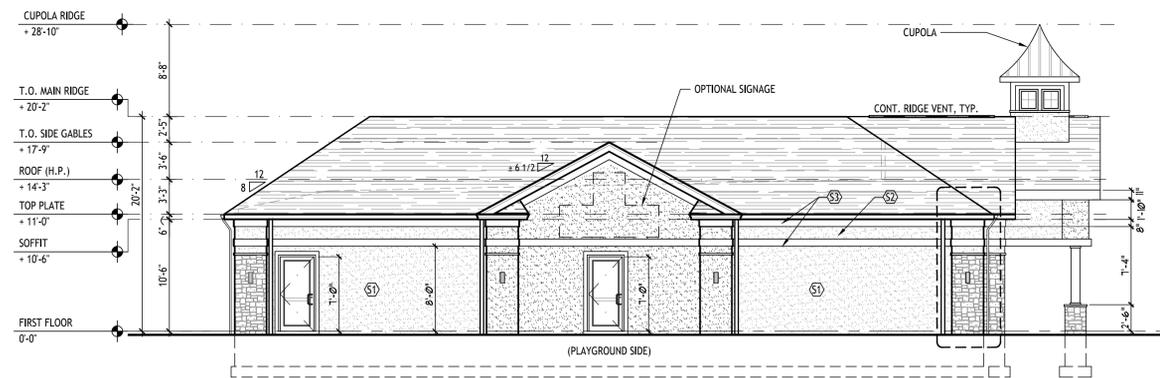


2 REAR ELEVATION (CORE BANKS ST.)
 SCALE: 1/8" = 1'-0"

Building elevations are for illustrative purposes only



3 RIGHT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"



4 LEFT SIDE ELEVATION (CHANTILCLAIR DR.)
 SCALE: 1/8" = 1'-0"

Typical building elevations. Number of units, window configurations, door style, colors, and other architectural standards will vary from townhouse unit to townhouse unit.





Elevations are for
Illustrative purposes only

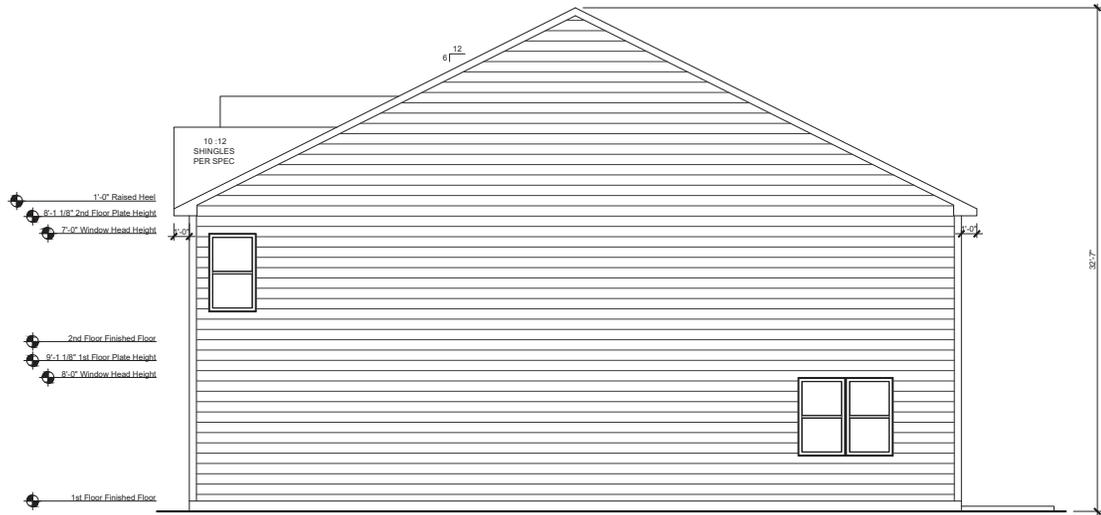


20' NO CAR TH SERIES - SEARS COMMUNITY

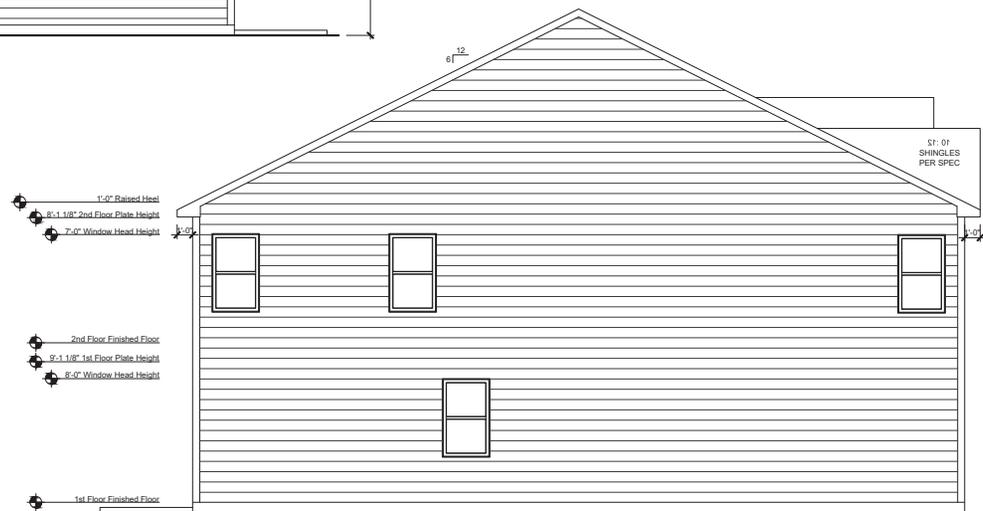
FRONT ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021



RIGHT SIDE



LEFT SIDE

Elevations are for illustrative purposes only



20' NO CAR TH SERIES - SEARS COMMUNITY

SIDE ELEVATIONS

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021

- 8'-11/8" 2nd Floor Plate Height
- 7'-0" Window Head Height
- 2nd Floor Finished Floor
- 8'-11/8" 1st Floor Plate Height
- 6'-0" Window Head Height
- 1st Floor Finished Floor



Elevations are for illustrative purposes only



20' NO CAR TH SERIES - SEARS COMMUNITY

SCALE: 1/8" = 1'-0"

REAR ELEVATION

DATE: 11-4-2021

Typical building elevations. Number of units, window configurations, door style, colors, and other architectural standards will vary from townhouse unit to townhouse unit.





Elevations are for
Illustrative purposes only

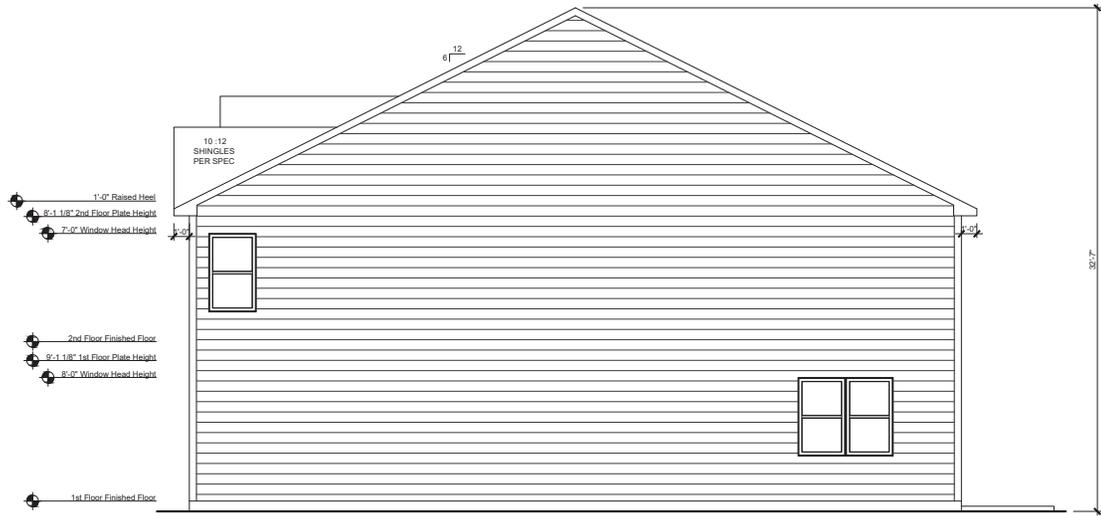


20' NO CAR TH SERIES - SEARS COMMUNITY

FRONT ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021



RIGHT SIDE



LEFT SIDE

Elevations are for illustrative purposes only



20' NO CAR TH SERIES - SEARS COMMUNITY

SIDE ELEVATIONS

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021

8'-1.18" 2nd Floor Plate Height
 7'-0" Window Head Height
 2nd Floor Finished Floor
 8'-1.18" 1st Floor Plate Height
 6'-0" Window Head Height
 1st Floor Finished Floor



Elevations are for illustrative purposes only



20' NO CAR TH SERIES - SEARS COMMUNITY

REAR ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 24, 2022, on the Question of Annexation - Apex Town Council's intent to annex the R. Michael Strickland Trustee of Family Trust property containing 13.541 acres located at 8200 Jenks Road, Annexation #727 into the Town's corporate limits.

Approval Recommended?

Yes

Item Details

The Town Clerk certifies to the investigation of said annexation. Adoption of the Resolution authorizes the Town Clerk to advertise said public hearing by electronic means and on the Town of Apex's website.

Attachments

- Resolution Directing the Town Clerk to Investigate Petition
- Certificate of Sufficiency by the Town Clerk
- Resolution Setting Date of Public Hearing
- Legal Description
- Vicinity Map
- Plot Plan
- Zoning Map
- Jurisdictional Map
- Annexation Petition





RESOLUTION DIRECTING THE TOWN CLERK
TO INVESTIGATE PETITION RECEIVED UNDER G.S. § 160A-31

Annexation Petition# 727
8200 Jenks Road

WHEREAS, G.S. § 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Apex deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the Town Council the result of her investigation.

This the 10th day of May, 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Julie Reid
Interim Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #727
8200 Jenks Road

To: The Town Council of the Town of Apex, North Carolina

I, Julie A. Reid, Interim Town Clerk, do hereby certify that I have investigated the annexation petition attached hereto, and have found, as a fact, that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. § 160A-31, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 10th day of May, 2022.

Julie A. Reid
Interim Town Clerk

(Seal)



RESOLUTION SETTING DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO G.S.§ 160A-31 AS AMENDED

Annexation Petition #727
8200 Jenks Road

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council of Apex, North Carolina has by Resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 24th day of May, 2022

Section 2. The area proposed for annexation is described as attached.

Section 3. Notice of said public hearing shall be published on the Town of Apex Website, www.apexnc.org, Public Notice, at least ten (10) days prior to the date of said public hearing.

This the 10th day of May, 2022.

Jacques K. Gilbert, Mayor

ATTEST:

Julie A. Reid, Interim Town Clerk

Attachment: Legal Description

LEGAL DESCRIPTION
FOR
PIN# (0722-57-7336)

Beginning at an iron rod on the North right of way of Jenks Road (NCSR 1601) Wake County, NC approximately 721 feet North of the intersection of Jenks Road and U.S. Highway 64 and having a NC State Plane NAD 83 (NSRS 2011) coordinate value of N: 726,615.24 E: 2,025,311. 55 and being the point of beginning. Thence from the point of beginning N 00° 37' 29" E 432.30' to an iron rod set. Thence N 01° 57' 10" E 668.64' to an iron bar found at the Northwest corner of the parcel. Thence S 88° 55' 43" E 682.49' to an iron bar found at the Northeast corner of the parcel. Thence S 00° 21' 58" W 380.02' to an Iron pin found on the North right of way of Jenks Road. Thence along the North right of way of Jenks Road the following courses:

S 44° 34' 19" W 105.01' to an iron rod set

S 45° 15' 51" W 376.98' to an iron rod set

S 45° 13' 33" W 395.43' to an iron rod set

S 44° 33' 52" W 63.09' to an iron rod set

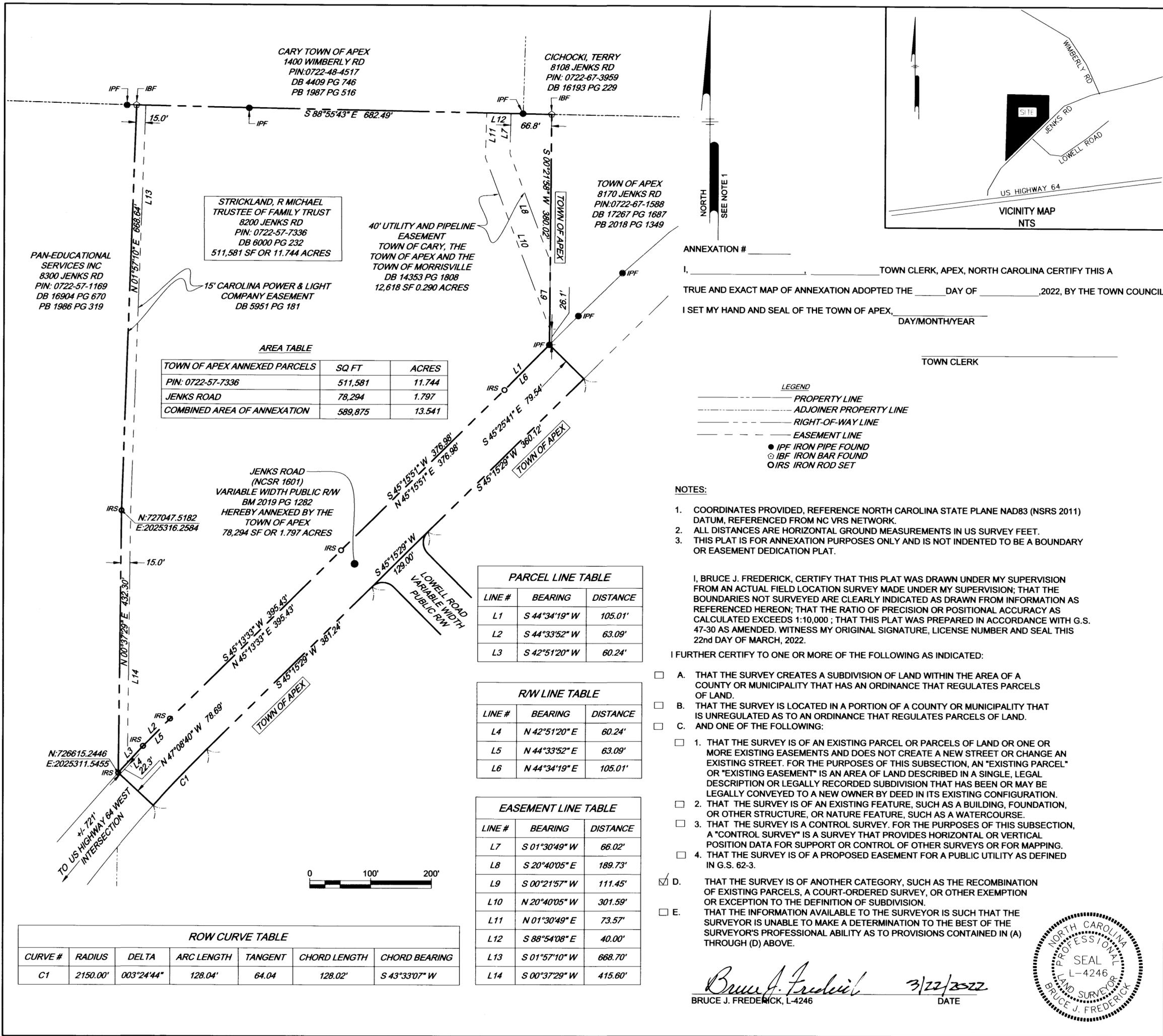
S 42° 51' 20" W 60.24' to an iron rod set being the point of beginning. Parcel contains 511,581 SF or 11.744 Acres.

LEGAL DESCRIPTION
FOR
A PORTION OF JENKS ROAD RIGHT OF WAY
ADJACENT TO PIN# 0722-57-7336

Beginning at an iron rod on the North right of way of Jenks Road (NCSR 1601) Wake County, NC approximately 721 feet North of the intersection of Jenks Road and U.S. Highway 64 and having a NC State Plane NAD 83 (NSRS 2011) coordinate value of N: 726,615.24 E: 2,025,311. 55 and being the point of beginning. Thence along the Northern right of way of Jenks Road the following courses:

N 42° 51' 20" E a distance of 60.24' to an iron rod set

N 44° 33' 52" E a distance of 63.09' to an iron rod set
N 45° 13' 33" E a distance of 395.43' to an iron rod set
N 45° 15' 51" E a distance of 376.98' to an iron rod set
N 44° 34' 19" E a distance of 105.01' to an iron pipe found and the Southeast corner of the parcel with PIN # 0722-57-7336 nor or formerly owned by R Michael Strickland trustee of family trust (D.B. 6000 PG. 232). Thence leaving the Northern right of way of Jenks Road S 45° 25' 41" E 79.54' to a point on the Southern right of way of Jenks Road. Thence along the Southern right of way of Jenks Road the following courses:
S 45° 15' 29" W a distance of 360.12' to a point at the Northern intersection of Jenks Road and Lowell Road. Thence S 45° 15' 29" W a distance of 129.00' to the Southern intersection of Jenks Road and Lowell Road. Thence continuing along the Southern right of way of Jenks Road S 45° 15' 29" W a distance of 381.24' to a point. Thence along a curve to the left with a radius of 2,150.00', an arc length of 128.04' a chord bearing S 43° 33' 07" W, a chord length 128.02 to a point. Thence leaving the Southern right of way of Jenks Road N 47° 08' 40" W a distance of 78.69' to an iron rod and the point of beginning. This portion of Jenks Road right of way contains 78,294 square feet or 1.797 acres.



CARY TOWN OF APEX
1400 WIMBERLY RD
PIN: 0722-48-4517
DB 4409 PG 746
PB 1987 PG 516

CICHOCKI, TERRY
8108 JENKS RD
PIN: 0722-67-3959
DB 16193 PG 229

STRICKLAND, R MICHAEL
TRUSTEE OF FAMILY TRUST
8200 JENKS RD
PIN: 0722-57-7336
DB 6000 PG 232
511,581 SF OR 11.744 ACRES

40' UTILITY AND PIPELINE
EASEMENT
TOWN OF CARY, THE
TOWN OF APEX AND THE
TOWN OF MORRISVILLE
DB 14353 PG 1808
12,618 SF 0.290 ACRES

TOWN OF APEX
8170 JENKS RD
PIN: 0722-67-1588
DB 17267 PG 1687
PB 2018 PG 1349

PAN-EDUCATIONAL
SERVICES INC
8300 JENKS RD
PIN: 0722-57-1169
DB 16904 PG 670
PB 1986 PG 319

15' CAROLINA POWER & LIGHT
COMPANY EASEMENT
DB 5951 PG 181

AREA TABLE

TOWN OF APEX ANNEXED PARCELS	SQ FT	ACRES
PIN: 0722-57-7336	511,581	11.744
JENKS ROAD	78,294	1.797
COMBINED AREA OF ANNEXATION	589,875	13.541

JENKS ROAD
(NCSR 1601)
VARIABLE WIDTH PUBLIC RW
BM 2019 PG 1282
HEREBY ANNEXED BY THE
TOWN OF APEX
78,294 SF OR 1.797 ACRES

PARCEL LINE TABLE

LINE #	BEARING	DISTANCE
L1	S 44°34'19" W	105.01'
L2	S 44°33'52" W	63.09'
L3	S 42°51'20" W	60.24'

R/W LINE TABLE

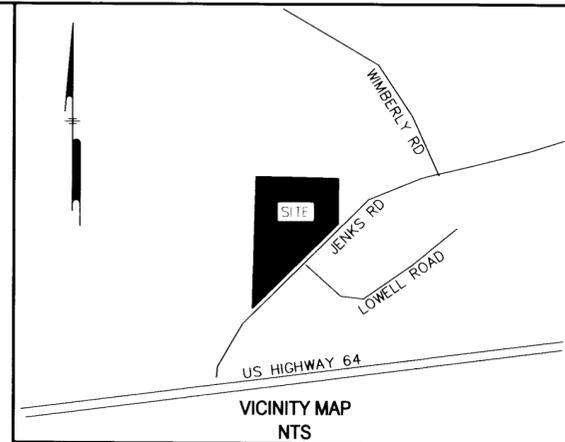
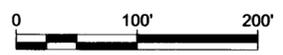
LINE #	BEARING	DISTANCE
L4	N 42°51'20" E	60.24'
L5	N 44°33'52" E	63.09'
L6	N 44°34'19" E	105.01'

EASEMENT LINE TABLE

LINE #	BEARING	DISTANCE
L7	S 01°30'49" W	66.02'
L8	S 20°40'05" E	189.73'
L9	S 00°21'57" W	111.45'
L10	N 20°40'05" W	301.59'
L11	N 01°30'49" E	73.57'
L12	S 88°54'08" E	40.00'
L13	S 01°57'10" W	668.70'
L14	S 00°37'29" W	415.60'

ROW CURVE TABLE

CURVE #	RADIUS	DELTA	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	2150.00'	003°24'44"	128.04'	64.04	128.02'	S 43°33'07" W



ANNEXATION # _____

I, _____ TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A
TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____, 2022, BY THE TOWN COUNCIL
I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____ DAY/MONTH/YEAR _____

TOWN CLERK

- LEGEND
- PROPERTY LINE
 - - - ADJOINER PROPERTY LINE
 - - - RIGHT-OF-WAY LINE
 - - - EASEMENT LINE
 - IPF IRON PIPE FOUND
 - ⊙ IBF IRON BAR FOUND
 - IRS IRON ROD SET

- NOTES:
- COORDINATES PROVIDED, REFERENCE NORTH CAROLINA STATE PLANE NAD83 (NSRS 2011) DATUM, REFERENCED FROM NC VRS NETWORK.
 - ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS IN US SURVEY FEET.
 - THIS PLAT IS FOR ANNEXATION PURPOSES ONLY AND IS NOT INTENDED TO BE A BOUNDARY OR EASEMENT DEDICATION PLAT.
- I, BRUCE J. FREDERICK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD LOCATION SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS REFERENCED HEREON; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED EXCEEDS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 22nd DAY OF MARCH, 2022.
- I FURTHER CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED:

- A. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- C. AND ONE OF THE FOLLOWING:
 - 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSES OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION OR LEGALLY RECORDED SUBDIVISION THAT HAS BEEN OR MAY BE LEGALLY CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION.
 - 2. THAT THE SURVEY IS OF AN EXISTING FEATURE, SUCH AS A BUILDING, FOUNDATION, OR OTHER STRUCTURE, OR NATURE FEATURE, SUCH AS A WATERCOURSE.
 - 3. THAT THE SURVEY IS A CONTROL SURVEY. FOR THE PURPOSES OF THIS SUBSECTION, A "CONTROL SURVEY" IS A SURVEY THAT PROVIDES HORIZONTAL OR VERTICAL POSITION DATA FOR SUPPORT OR CONTROL OF OTHER SURVEYS OR FOR MAPPING.
 - 4. THAT THE SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3.
- D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.
- E. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

Bruce J. Frederick
BRUCE J. FREDERICK, L-4246
3/22/2022
DATE



Pennoni
Firm License F-1267
PENNONI ASSOCIATES INC.
5430 Wade Park Boulevard
Suite 106
Raleigh, NC 27607
T 919.929.1173 F 919.493.6548

ANNEXATION MAP FOR THE TOWN OF APEX
PIN: 0722-57-7336
8200 JENKS ROAD
TOWNSHIP OF WHITE OAK,
JURISDICTION OF APEX
WAKE COUNTY, NC

NO.	DATE	REVISIONS	BY
2	03-14-2022	REVISED PER COMMENTS	SWP
1	02-02-2022	REVISED PER COMMENTS	SWP

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES. AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: **BUVER21006**
DATE: 11-04-2021
DRAWING SCALE: 1"=100'
DRAWN BY: SWP
APPROVED BY: BJF

Sunnybrook Farms

Annexation #727

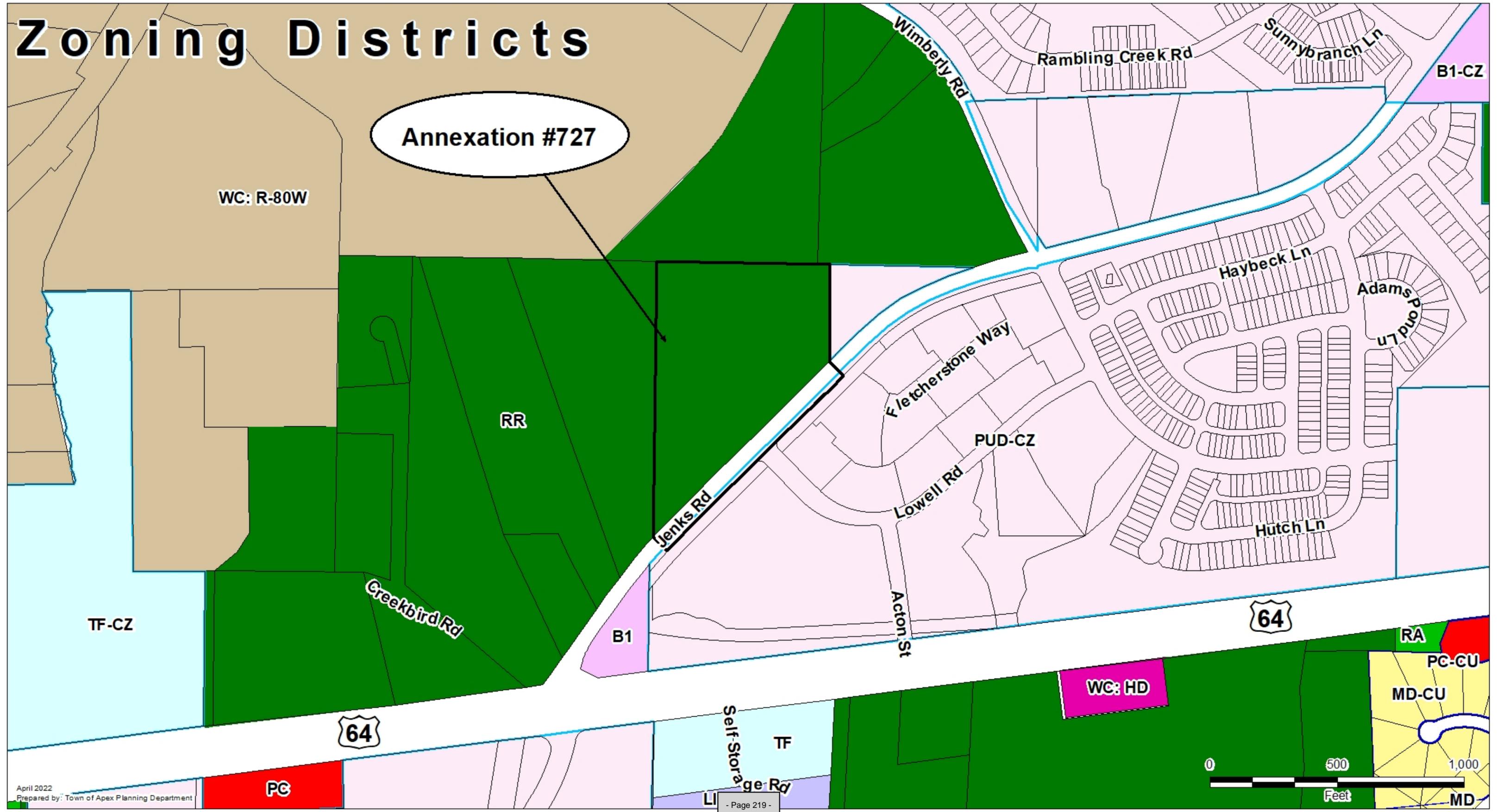
Westford Apartments

Townes at Westford



Zoning Districts

Annexation #727



Wake County
Jurisdiction

Apex
ETJ

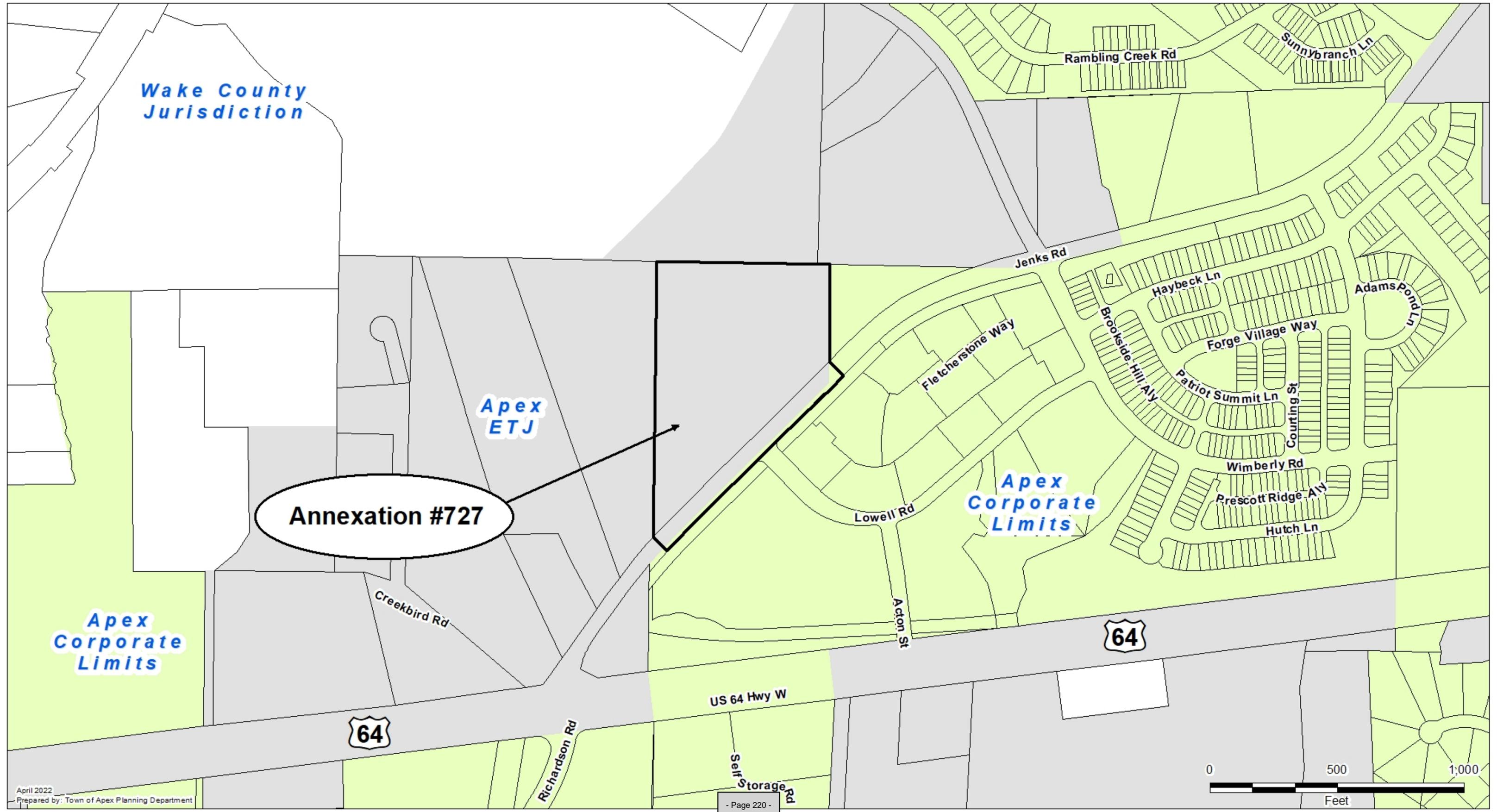
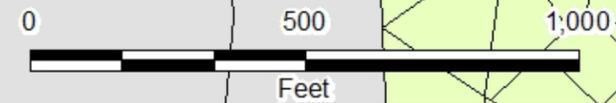
Annexation #727

Apex
Corporate
Limits

Apex
Corporate
Limits

64

64



PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: _____ Submittal Date: _____
 Fee Paid \$ _____ Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

OWNER INFORMATION

R Michael Strickland, Trustee	PIN 0722577336; Deed Book 6000, Page 232
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-782-6860	Mike.Strickland@youngmoorelaw.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Bruce Frederick; Pennoni Associates Inc.
 Phone: 919-929-1173 Fax: 919-493-6548
 E-mail Address: BFrederick@Pennoni.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)
Total Acreage to be annexed:	<u>13.541</u>	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed:	<u>0</u>	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units:	<u>0</u>	Water service (new construction) <input checked="" type="checkbox"/>
Proposed # of housing units:	<u>159</u>	Sewer service (new construction) <input checked="" type="checkbox"/>
Zoning District*:	<u>PUD-CZ Propos</u>	Receive Town Services <input checked="" type="checkbox"/>

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

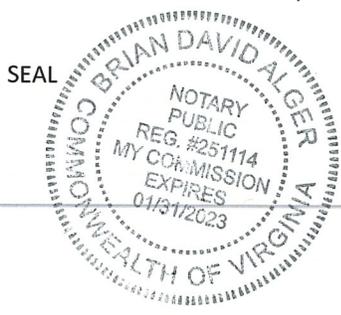
All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

[Signature]
Kevin Woodley as authorized agent for property owner

STATE OF Virginia
COUNTY OF Fairfax

Sworn and subscribed before me, Brian David Alger a Notary Public for the above State and County,
this the 21 day of, April, 2022.

[Signature]
Notary Public



My Commission Expires: 01-31-2023

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning and Community Development

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 10, 2022, on the Question of Annexation - Apex Town Council's intent to annex the Peak 360, LLC property containing 7.6631 acres located at 7825 and 7809 Jenks Road, Annexation #732 into the Town's corporate limits.

Approval Recommended?

Yes

Item Details

The Town Clerk certifies to the investigation of said annexation. Adoption of the Resolution authorizes the Town Clerk to advertise said public hearing by electronic means and on the Town of Apex's website.

Attachments

- Resolution Directing the Town Clerk to Investigate Petition
- Certificate of Sufficiency by the Town Clerk
- Resolution Setting Date of Public Hearing
- Legal Description
- Vicinity Map
- Annexation Map
- Zoning Map
- Jurisdictional Map
- Annexation Petition





RESOLUTION DIRECTING THE TOWN CLERK
TO INVESTIGATE PETITION RECEIVED UNDER G.S. § 160A-31

Annexation Petition# 732
7809 and 7825 Jenks Road

WHEREAS, G.S. § 160A- 31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Apex deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the Town Council the result of her investigation.

This the 10th day of May 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Julie Reid
Interim Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition# 732
7809 and 7825 Jenks Road

To: The Town Council of the Town of Apex, North Carolina

I, Julie Reid, Interim Town Clerk, do hereby certify that I have investigated the annexation petition attached hereto, and have found, as a fact, that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S.§ 160A-31, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 10th day of May, 2022.

Julie A. Reid
Interim Town Clerk

(Seal)



RESOLUTION SETTING DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO G.S. § 160A-31 AS AMENDED

Annexation Petition# 732
7809 and 7825 Jenks Road

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council of Apex, North Carolina has by Resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 24th day of May, 2022.

Section 2. The area proposed for annexation is described as attached.

Section 3. Notice of said public hearing shall be published on the Town of Apex Website, www.apexnc.org, Public Notice, at least ten (10) days prior to the date of said public hearing.

This the 10th day of May, 2022.

Jacques K. Gilbert, Mayor

ATTEST:

Julie Reid, Interim Town Clerk

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at a point in Jenks Road ~ NCSR 1601 located South 35° 40' 22" West, 243.00 feet from an existing magnetic nail bearing NAD 83 (2011) coordinate values of North 728,541.24 feet, East 2,028,349.61 feet; thence North 37° 46' 26" East, 599.31 feet to a point; thence a curve to the right North 39° 16' 16" East, 172.37 feet (chord), 2049.68 feet (radius) to a point; thence South 72° 26' 51" East, 31.40 feet to a point; thence North 45° 37' 11" East, 104.34 feet to a point; thence North 51° 57' 03" East, 100.00 feet to a point; thence North 55° 24' 06" East, 29.65 feet to a point; thence North 56° 12' 59" East, 70.70 feet to a point; thence North 56° 53' 59" East, 48.21 feet to a point; thence South 01° 16' 59" East, 282.39 feet to an existing iron pipe; thence South 05° 10' 50" West, 104.78 feet to an existing iron pipe; thence South 00° 39' 24" East, 145.43 feet to an existing iron pipe; thence South 08° 15' 14" East, 111.50 feet to an existing iron pipe; thence South 89° 18' 30" West, 193.79 feet to a point 2.0 feet North of a twin hickory; thence South 01° 31' 39" West, 168.50 feet to an existing concrete monument; thence South 89° 21' 31" West, 603.37 feet to a point; thence North 37° 46' 26" East, 6.58 feet to the BEGINNING, containing 7.6631 total acres more or less as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Annexation Map for the Town Of Apex, Peak 360, LLC", dated July 1, 2021.

This description prepared for the sole purpose to annex a municipal boundary and for no other use.

Annexation #732

**Apex
Corporate
Limits**

**Wake County
Jurisdiction**

**Apex
ETJ**

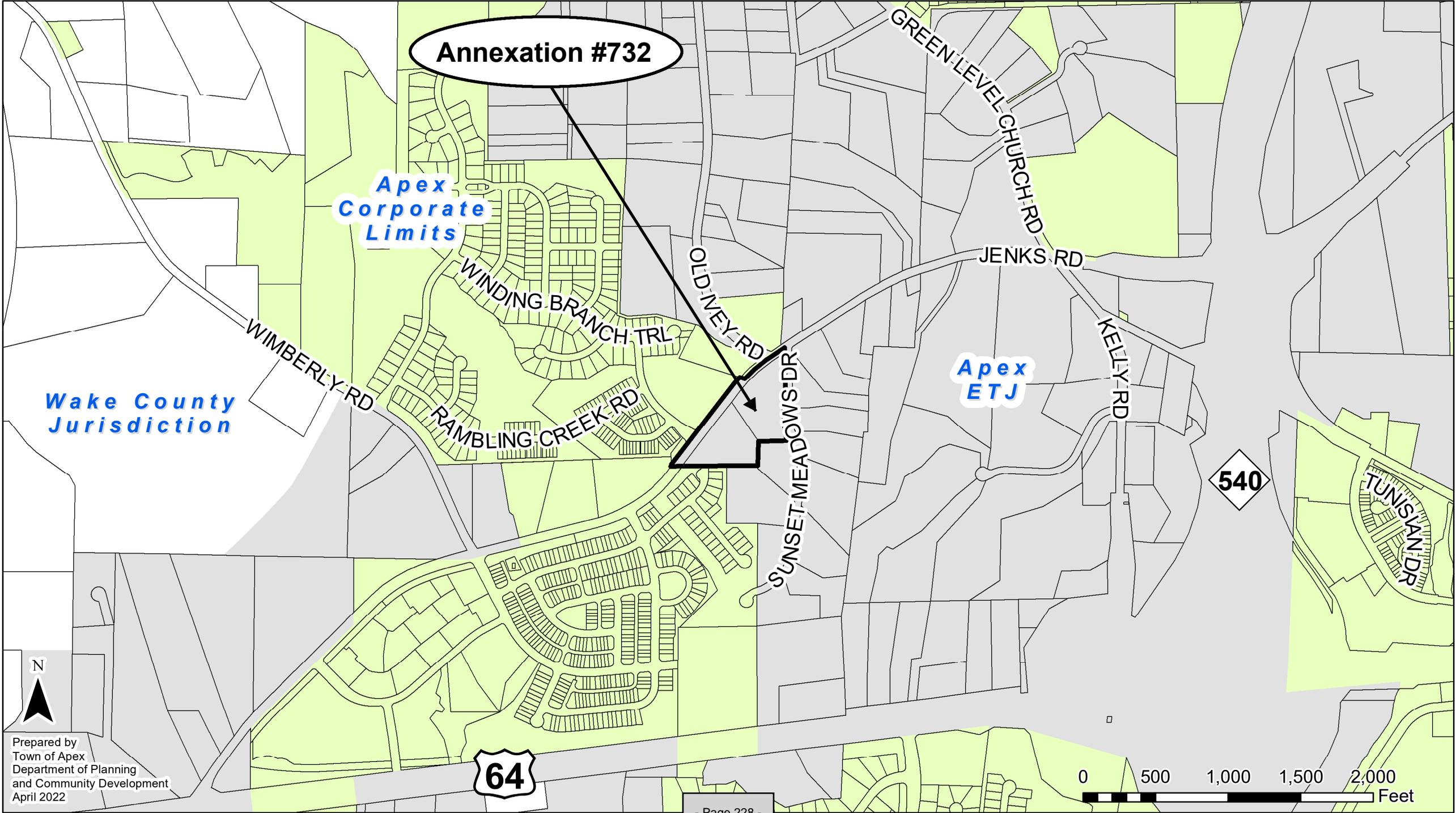
540

64

0 500 1,000 1,500 2,000 Feet



Prepared by
Town of Apex
Department of Planning
and Community Development
April 2022



Annexation #732



Our Estate

Castlereagh North

Caitlin Pond

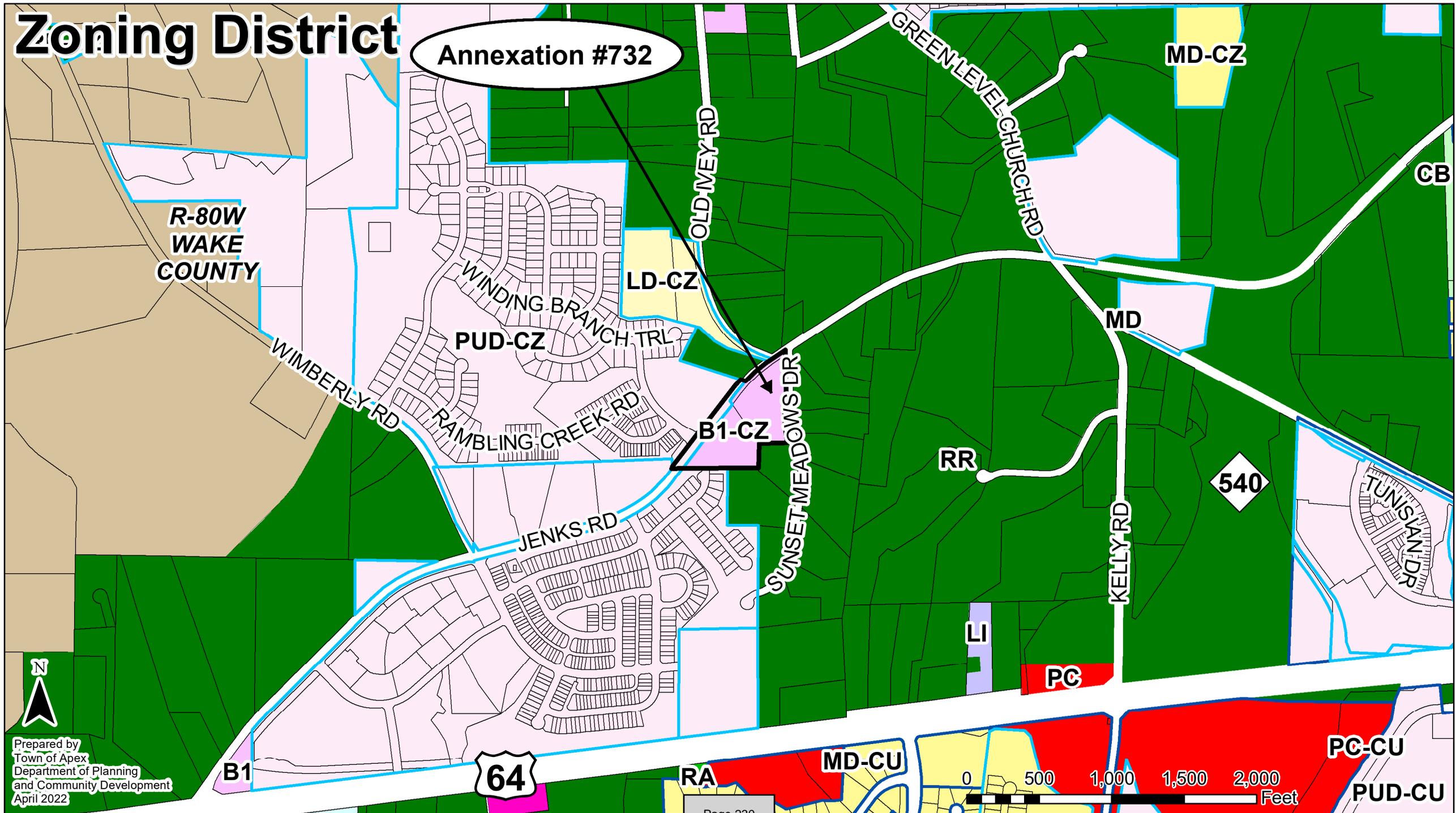
Lake Marsha

Townes at Westford

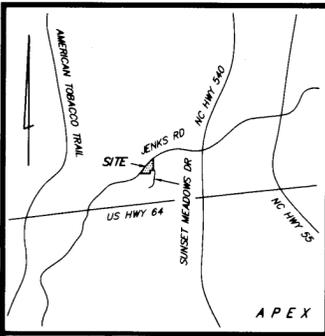
The Preserve at White Oak Creek

Zoning District

Annexation #732

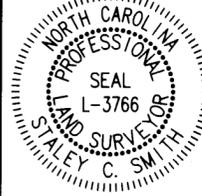


Prepared by
Town of Apex
Department of Planning
and Community Development
April 2022



VICINITY MAP (NOT TO SCALE)

I, STALEY C. SMITH, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AS RECORDED IN:
 DEED BOOK 18651, PAGE 2617
 DEED BOOK 18651, PAGE 2619
 BOOK OF MAPS 1995, PAGE 1098
 BOOK OF MAPS 1980, PAGE 196
 THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREON. THAT THE RATIO OF PRECISION AS CALCULATED WAS 1: 274,186. AND THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 58-1600).
 I, STALEY C. SMITH, CERTIFY THAT THE GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) WAS USED TO PERFORM A PORTION OF THIS SURVEY AND THE FOLLOWING INFORMATION WAS USED:
 Class of survey: A
 Positional Accuracy: < 0.10' AT 95% CONFIDENCE LEVEL
 Type of GPS field procedure: NCRN/VRS
 Dates of survey: 8-22-2021
 Datum/Epoch: NAD 83 (2011) / 2010.00
 Published/Fixed-control use: NCGS BASE STATION "NGL" (PID DL3891)
 Geoid model: 2018
 GPS/GNSS Scale Point: N= 728,541.24 E= 2,028,349.61
 Combined grid factor(s): 0.99991750
 Units: U.S. SURVEY FEET
 WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 29TH DAY OF APRIL, A.D., 2022.



Staley C. Smith
 Professional Land Surveyor
 License Number L-3766

- Legend**
- EIP - Existing Iron Pipe
 - EMN - Existing Magnetic Nail
 - ECM - Existing Concrete Monument
 - Monument Not Found Or Set
 - Guy Anchor
 - TOA - Town of Apex
 - R/W - Right Of Way
 - PID - Permanent Identifier
 - NCSR - North Carolina Secondary Road
 - NCGS - North Carolina Geodetic Survey
 - GPS - Global Positioning System
 - NCRN - North Carolina Real-Time Network
 - NAD 83 (2011) - NORTH AMERICAN DATUM 1983 (2011)
 - VRS - Virtual Reference Station
 - CORS - Continuously Operating Reference System
 - CP&L - Carolina Power & Light Company
 - R - Property Line

- Surveyed Line
- Surveyed Line
- - - Line (not surveyed)
- - - Approximate Right Of Way Line (not surveyed)
- - - Existing Buffer/Easement (not surveyed)
- Existing Corporate Limit Line

N.C. GRID NORTH
 NAD 83 (2011)

THE PRESERVE AT WHITE OAK CREEK HOMEOWNERS ASSOCIATION, INC.
 D.B. 17584, PG. 2495
 B.M. 2017, PG. 183
 ANNEXATION# 527
 B.M. 2015, PG. 216

ANNEXATION # 722
 B.M. 2022, PG. 264

TAYLOR MORRISON OF CAROLINAS, INC.
 D.B. 17400, PG. 1859
 B.M. 2020, PG. 802

HAYBECK LANE PUBLIC R/W
 B.M. 2020, PG. 802

TAYLOR MORRISON OF CAROLINAS, INC.
 D.B. 17400, PG. 1859
 B.M. 2020, PG. 802

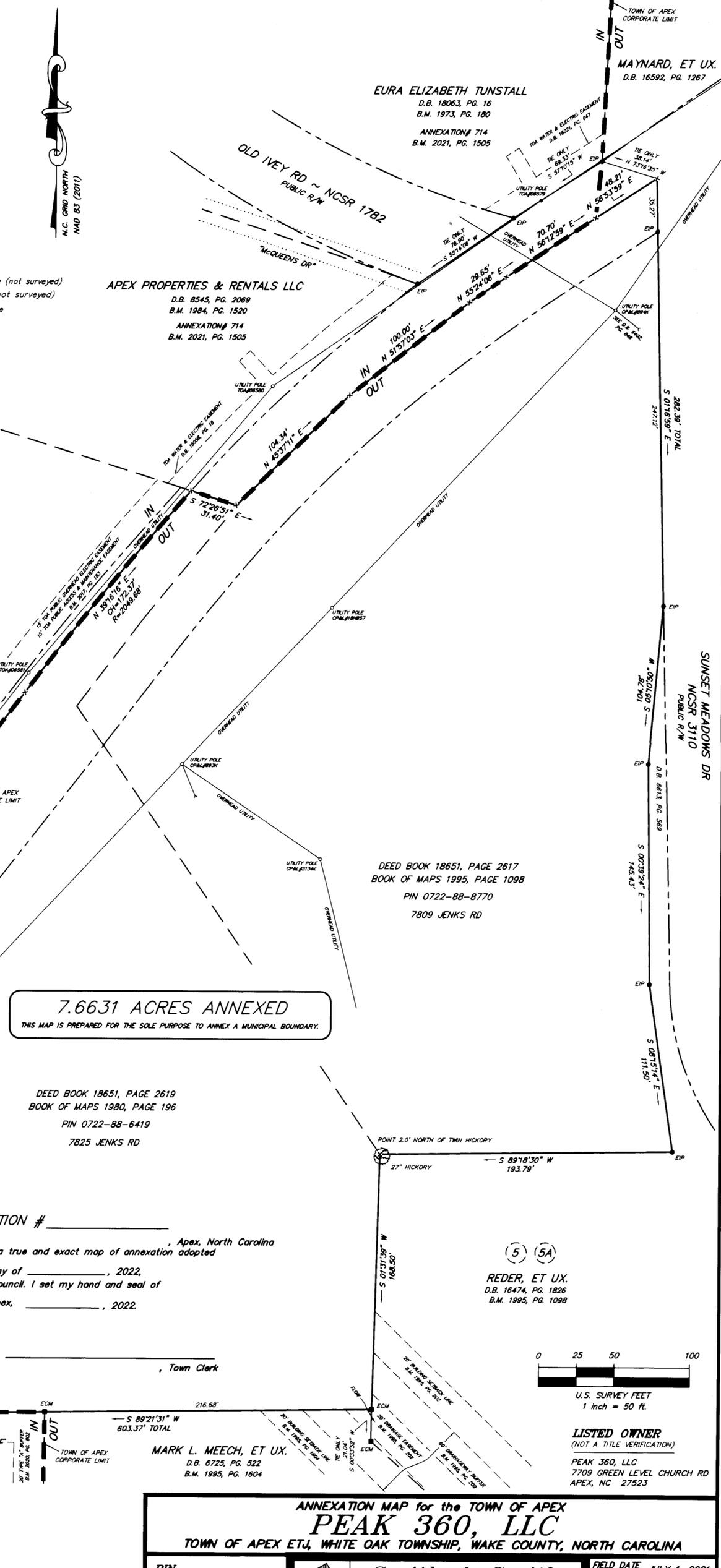
THE PRESERVE AT WHITE OAK CREEK HOMEOWNERS ASSOCIATION, INC.
 D.B. 17584, PG. 2495
 B.M. 2017, PG. 183
 ANNEXATION# 527
 B.M. 2015, PG. 216

ANNEXATION # 722
 B.M. 2022, PG. 264

TAYLOR MORRISON OF CAROLINAS, INC.
 D.B. 17400, PG. 1859
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HAYBECK LANE PUBLIC R/W
 B.M. 2020, PG. 802

TAYLOR MORRISON OF CAROLINAS, INC.
 D.B. 17400, PG. 1859
 B.M. 2020, PG. 802



7.6631 ACRES ANNEXED
 THIS MAP IS PREPARED FOR THE SOLE PURPOSE TO ANNEX A MUNICIPAL BOUNDARY.

DEED BOOK 18651, PAGE 2619
 BOOK OF MAPS 1980, PAGE 196
 PIN 0722-88-6419
 7825 JENKS RD

ANNEXATION # _____
 I, _____, Apex, North Carolina
 certify this is a true and exact map of annexation adopted
 the _____ day of _____, 2022,
 by the Town Council. I set my hand and seal of
 the Town of Apex, _____, 2022.

_____, Town Clerk

MARK L. MEECH, ET UX.
 D.B. 6725, PG. 522
 B.M. 1995, PG. 1604

ANNEXATION # 722
 B.M. 2022, PG. 264

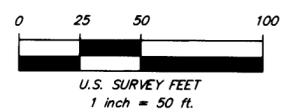
ANNEXATION # 612
 B.M. 2017, PG. 2599

EURA ELIZABETH TUNSTALL
 D.B. 18063, PG. 16
 B.M. 1973, PG. 180
 ANNEXATION# 714
 B.M. 2021, PG. 1505

APEX PROPERTIES & RENTALS LLC
 D.B. 8545, PG. 2069
 B.M. 1984, PG. 1520
 ANNEXATION# 714
 B.M. 2021, PG. 1505

DEED BOOK 18651, PAGE 2617
 BOOK OF MAPS 1995, PAGE 1098
 PIN 0722-88-8770
 7809 JENKS RD

REDER, ET UX.
 D.B. 16474, PG. 1826
 B.M. 1995, PG. 1098



LISTED OWNER
 (NOT A TITLE VERIFICATION)
 PEAK 360, LLC
 7709 GREEN LEVEL CHURCH RD
 APEX, NC 27523

ANNEXATION MAP for the TOWN OF APEX
PEAK 360, LLC
 TOWN OF APEX ETJ, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

PIN
 0722-88-8770
 0722-88-6419

Smith & Smith, Surveyors, P.A.
 P.O. BOX 457
 APEX, N.C. 27502
 (919) 362-7111
 FIRM LICENSE No. C-0155

FIELD DATE JULY 1, 2021
 SCALE 1" = 50'
 DRAWN BY WBH
 PROJ. NO. 2021-56

PETITION FOR VOLUNTARY ANNEXATION
Town of Apex, North Carolina



ANNEXATION PETITION SUBMISSION: Applications are due by 12:00 pm on the first business day of each month. See the "[Annexation Petition Schedule](#)" on the website for details.

ANNEXATION FEE: \$200.00

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1. A petition submitted pursuant to North Carolina General Statute 160A-58.1 need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

HARD COPY SUBMITTAL REQUIREMENTS:

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee

ELECTRONIC SUBMITTAL REQUIREMENTS: [IDT Plans](#)

- Town of Apex Petition for Annexation
- Written Metes and Bounds Legal Description: Submit original PDF. Scanned documents will not be accepted.
- Electronic plat submittal (18" x 24")

REVIEW AND APPROVAL PROCESS:

- **SUBMITTAL:** Submit hard copy application with original wet signatures (no photo copies or scanned images) and fee to the Department of Planning and Community Development and upload an electronic copy of the application, legal description and Annexation Plat via [IDT Plans](#).
- **REVIEW BY STAFF:** The Planning and Community Development Department and Development Services Department review the annexation submission. Comments will be sent to the applicant via email.
- **DESIGNATION OF ANNEXATION NUMBER:** The application is assigned an annexation number once the annexation petition is received.
- **ANNEXATION PLAT SUBMISSION:** After the map and legal description are deemed sufficient by the Town of Apex, the applicant is required to submit three (3) Mylar annexation plats to the Department of Planning and Community Development by the due date on the attached Annexation Schedule.
- **1ST TOWN COUNCIL MEETING:** This Town Council Meeting is typically held the second Tuesday of each month. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.
- **LEGAL ADVERTISEMENT:** A legal advertisement will be published on the Town of Apex's website no more than 25 days and no less than 10 days prior to the date of the public hearing.
- **2ND TOWN COUNCIL MEETING/PUBLIC HEARING:** This Town Council Meeting is typically held the fourth Tuesday of each month. The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Apex.
- **RECORDATION:** If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plats recorded at the Wake County or Chatham County Register of Deeds, as appropriate. Wake County or Chatham County will keep one of the recorded plats, one copy will be returned to the Department of Planning and Community Development, and the surveying company is given the remaining recorded Annexation Plat.

FOR WELL AND/OR SEPTIC FAILURES:

If the purpose of the petition is to connect to public water and/or sewer, contact Water Resources Director Michael Deaton at 919-249-3413 or michael.deaton@apexnc.org to confirm that public water and/or sewer is available to the property. In order to receive public water and/or sewer services from the Town of Apex, refer to the checklist of items below to assist with obtaining one or both of these services:

- Apply for a plumbing permit with the Building Inspections and Permitting Department.
- The plumbing permit and associated costs for water and/or sewer will be included with the permit.

Please refer to the [Town of Apex Fee Schedule](#) for the list of current fees.

PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: _____ Submittal Date: _____
Fee Paid \$ _____ Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, Chatham County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

OWNER INFORMATION

Peak 360 LLC, Daniel Shults Owner Name (Please Print)	0722-88-8770 Property PIN or Deed Book & Page #
919-462-8989 Phone	dsshults@gmail.com E-mail Address
Peak 360 LLC, Daniel Shults Owner Name (Please Print)	0722-88-6419 Property PIN or Deed Book & Page #
919-462-8989 Phone	dsshults@gmail.com E-mail Address
_____ Owner Name (Please Print)	_____ Property PIN or Deed Book & Page #
_____ Phone	_____ E-mail Address

SURVEYOR INFORMATION

Surveyor: Smith & Smith Surveyors, P.A., Staley Smith
Phone: (919) 362-7111 Fax: _____
E-mail Address: staley@smithandsmithsurveyors.net

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>7.6631</u>	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: _____	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>N/A</u>	Water service (new construction) <input checked="" type="checkbox"/>
Proposed # of housing units: <u>N/A</u>	Sewer service (new construction) <input checked="" type="checkbox"/>
Zoning District*: <u>B1-CZ</u>	Receive Town Services <input checked="" type="checkbox"/>

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Department of Planning and Community Development with questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its
Secretary by order of its Board of Directors, this the _____ day of _____, 20____.

Corporate Name _____

SEAL

By: _____

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

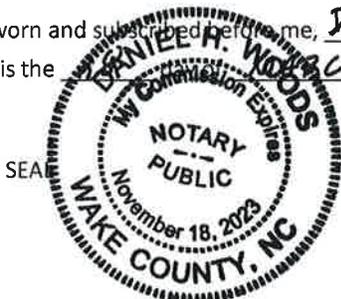
In witness whereof, Peak 360 a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 28 day of MARCH, 2022.

Name of Limited Liability Company Peak 360 LLC

By: [Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, this the MARCH, 2022.



DANIEL H. WOODS [Signature]
3/28/2022 Notary Public

My Commission Expires: 11/18/2023

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the ____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to set the Public Hearing for the May 24, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Summary of UDO Amendments

Requested by Planning Committee of Town Council:

1. Amendments to Secs. 2.2.7 *Neighborhood Meeting*; 2.2.11 *Public Notification, Timing of Notice*; 2.3.3.D *Conditional Zoning Districts, Required Neighborhood Meeting*; 2.3.4.E *Planned Development Districts, Procedures*; 2.3.16 *Sustainable Development Conditional Zoning District, Procedures*; 4.2.2 *Use Table*; and 4.4.2 *Public and Civic Uses, School, public or private* in order to:
 - a) change the name of Sec. 2.2.7 to *Neighborhood Notice* in several sections;
 - b) require applicants of Minor Site Plans for various high-intensity land uses to hold a neighborhood meeting prior to the submittal of the application;
 - c) require applicants of Minor Site Plans for remaining non-high intensity land uses located on land that has not had a rezoning approval in the previous two years and that is located within 300' of a residential land use to send a letter explaining the project and providing their contact information to property owners and tenants within 300' of the subject property; and
 - d) move the current neighborhood meeting requirement for School, public or private from Sec. 4.4.2.H to Sec. 2.2.7.

Requested by Planning Staff:

2. Amendments to Sec. 4.4.1.E *Supplemental Standards, Residential Use, Manufactured Home* in order to remove the requirement for a continuous masonry wall under the perimeter of the home and require an opaque or semi-opaque skirting material.

3. Amendments to Sec. 4.4.2.C *Supplemental Standards, Public and Civic Uses, Day Care* in order to amend the standards for day care facilities in the Light Industrial (LI) zoning district.
4. Amendments to Sec. 4.2.2 *Use Table*, 4.3.6.A.3 *Use Classifications, Industrial Service, Gas and fuel, wholesale*, and Sec. 4.4.6.A *Supplemental Standards, Industrial Uses* in order to modify the definition of the use Gas and fuel, wholesale and add a separation requirement from the uses Day care facility; School, public or private; Hospital; and Nursing or convalescent facility.
5. Amendments to Sec. 5.2.7 *Dimensional Standards for Detached Accessory Structures* in order to allow detached accessory structures or buildings to be no more than five (5) feet taller than the principal building or structure.
6. Amendments to Sec. 7.5.1.B *Required Improvements, Exemptions* in order to clarify which driveway-related improvements are not exempt from public road improvements.

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Russell H. Dalton, PE, Traffic Engineering Manager

Department(s): Public Works & Transportation

Requested Motion

Motion to approve an Agreement with NCDOT for up to \$1,395,356 in federal funds, up to 80% reimbursement, of the total cost of right of way acquisition, utility relocation, and construction of project BL-0047, Downtown Apex Safe Routes to School, and to authorize the Town Manager to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

BL-0047, Downtown Apex Safe Routes to School, consists of construction of approximately 5,350 linear feet of 5-foot concrete sidewalk to include curb and gutter where needed, and approximately 820 linear feet of 10-foot asphalt side path in various locations in downtown Apex to improve access to ten bus stops. The Project also includes improvement of pedestrian crossings at the north and east legs of the signalized intersection of N Salem St and Hunter St. Approval of the Agreement is required to secure up to \$1,395,356 in federal funds as an 80% cost match reimbursed toward right of way, utility relocation and construction. Apex is required to fund at least 20% of the aforementioned items, amounting to \$348,840 based on estimated cost. Survey and design of the project is already underway by Apex staff. It is noted that NCDOT internal staff charges for review and inspection of the project count against the total eligible funding match as required for this type of agreement, so the total reimbursement by the time of project close-out may be impacted by those charges. Staff made assumptions for right of way cost and included standard construction contingencies to arrive at the \$1,744,196 overall estimated cost noted in the Agreement. The Agreement also provides five (5) years to complete all work and funds may be revoked by NCDOT and/or FHWA if milestones dates are not met.

Attachments - Agreement ID # 11165

Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: Town of Apex

County: Wake

TIP: BL-0047

Project: Downtown Apex Safe Routes to School

Scope: construction of approximately 5,350 linear feet of 5-foot concrete sidewalk to include curb and gutter where needed, and approximately 820 linear feet of 10-foot asphalt sidepath in various locations in downtown Apex to improve access to ten bus stops. The Project also includes improvement of pedestrian crossings at the north and east legs of the signalized intersection of N Salem St and Hunter St.

Eligible Activities:

ROW	50270.2.1	ROW Acquisition
	50270.2.2	Utility Relocation
CON	50270.3.1	Construction
FEDERAL-AID	#0501052	

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
TAP-DA	\$1,395,356	80%	\$348,840	20%
Total Estimated Cost			\$1,744,196	

Responsibility: The Town of Apex shall be responsible for all aspects of the project.

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -
FEDERAL**

WAKE COUNTY

DATE: 4/8/2022

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: BL-0047

AND

WBS Elements: ROW 50270.2.1

UTIL 50270.2.2

TOWN OF APEX

CON 50270.3.1

OTHER FUNDING:

FEDERAL-AID NUMBER: 0501052

CFDA #: 20.205

Total Funds [NCDOT Participation] \$1,395,356

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Apex, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, Fixing America's Surface Transportation (FAST) Act allows for the allocation of federal funds to be available for certain specified transportation activities; and,

WHEREAS, the Municipality has requested federal funding for Downtown Apex Safe Routes to School, hereinafter referred to as the Project, in Wake County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$1,395,356 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

1. GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a Supplemental Agreement.

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

PERSON IN RESPONSIBLE CHARGE

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;

- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

COMPLIANCE WITH STATE/FEDERAL POLICY

The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department’s guidelines and procedures, including the *Local Programs Management Handbook*.

FAILURE TO COMPLY - CONSEQUENCES

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

2. SCOPE OF PROJECT

The Project consists of construction of approximately 5,350 linear feet of 5-foot concrete sidewalk to include curb and gutter where needed, and approximately 820 linear feet of 10-foot asphalt sidepath in various locations in downtown Apex to improve access to ten bus stops. The Project also includes improvement of pedestrian crossings at the north and east legs of the signalized intersection of N Salem St and Hunter St.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- ROW Acquisition
- Utility Relocation
- Construction

as further set forth in this Agreement.

3. FUNDING

PROGRAMMING AND AUTHORIZATION OF FEDERAL FUNDS

The funding currently programmed for the project in the State Transportation Improvement Program (STIP) is Transportation Alternatives Program. The funding source may be modified with the coordination and approval of the respective Metropolitan Planning Organization (MPO) and/or the Department prior to authorization of funds. The Department will authorize and reimburse federal funding based on the type of federal funding that is programmed in the STIP at the time of the authorization request. The Department will notify the Municipality of the type of federal funds authorized by issuing a Technical Amendment – Funds Authorization letter. A modification in the source of funds will have no effect on project responsibilities outlined in this agreement.

REIMBURSEMENT FOR ELIGIBLE ACTIVITIES

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse 80% of eligible expenses incurred by the Municipality up to a maximum amount of One Million Three Hundred Ninety Five Thousand Three Hundred Fifty Six Dollars (\$1,395,356), as detailed below. The Municipality shall provide the non-federal match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
TAP-DA	\$1,395,356	80%	\$348,840	20%
Total Estimated Cost			\$1,744,196	

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, during any phase of the delivery of the Project, shall reduce the funding available to the Municipality under this Agreement. The Department will set aside ten percent (10%) of the total estimated cost, or **\$174,419.60**, to use towards the costs related to review and oversight of this Project, including, but not limited to review and approval of plans, environmental documents, contract proposals, engineering estimates, construction engineering and inspection oversight, and other items as needed to ensure the Municipality's appropriate compliance with state and federal regulations.

In the event that the Department does not utilize all the set-aside funding, then those remaining funds will be available for reimbursement to the Municipality at the above reimbursement rate. For all costs of work performed on the Project, whether incurred by the Municipality or by the Department, the Municipality shall provide the non-federal match. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

4. PERIOD OF PERFORMANCE

The Municipality has five (5) years to complete all work outlined in the Agreement from the date of authorization of Federal funds for the initial phase of work. Completion for this Agreement is defined as completion of all construction activities or implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

5. PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

6. PROFESSIONAL AND ENGINEERING SERVICES

The Municipality shall comply with the policies and procedures of this provision if the Municipality is requesting reimbursement for the Preliminary Engineering contract or the Construction Contract Administration / Construction Engineering and Inspection contract.

PROCUREMENT POLICY

When procuring professional services, the Municipality must adhere to Title 2 Code of Federal Regulations Part 200; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/legsregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

- The Municipality shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department in the Work Codes advertised.
- A pre-negotiation audit will be conducted by the Department's External Audit Branch. The Municipality shall not execute a consultant contract until the Department's review has been completed.

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

WORK BY ENTITY

If the Design, Planning, Contract Administration and/or Construction Engineering and Inspection required for this project will be undertaken by the Municipality, and the Municipality requests reimbursement, then the Municipality must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the Municipality.

7. PLANNING / ENVIRONMENTAL DOCUMENTATION

The Municipality shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The Municipality shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.
- The Municipality shall advertise and conduct any required public hearings.
- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the Municipality shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The Municipality shall bear all costs associated with penalties for violations and claims due to delays.
- The Municipality shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the Municipality, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

8. DESIGN

CONTENT OF PLAN PACKAGE

The Municipality, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

9. RIGHT OF WAY / UTILITY AUTHORIZATION

If the costs of right of way acquisition or utility relocation are an eligible expense, the Municipality shall submit a letter of request to the Department to authorize and set up right of way and/or utility funding. The acquisition for right of way, construction easements, and/or utility relocation may be undertaken only after the Municipality receives written authorization from the Department to proceed.

10. PROJECT LIMITS AND RIGHT OF WAY (ROW)

The Municipality shall comply with the policies and procedures of this provision regardless of whether the Municipality is requesting reimbursement for the Right of Way phase of the Project.

SPONSOR PROVIDES ROW

The Municipality, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

ROW GUIDANCE

The Municipality shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm; NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp; and the North Carolina Department of Transportation Right of Way Manual.

APPRAISAL

The Municipality shall submit the appraisal to the Department for review and approval in accordance with Departmental policies and procedures.

CLEARANCE OF PROJECT LIMITS / ROW

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the Municipality shall secure an encroachment agreement for any utilities (which shall remain or are) to be installed within the Department's ROW, or follow other applicable approval process, for utilities within the Municipality's ROW. The Municipality shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The Municipality shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

RELOCATION ASSISTANCE

The Municipality shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

11. UTILITIES

The Municipality, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to Municipality beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

12. RIGHT OF WAY / UTILITY / RAILROAD CERTIFICATION

The Municipality, upon acquisition of all right of way/property necessary for the Project, relocation of utilities, and coordination with the railroad shall provide the Department all required documentation (deeds/leases/easement/plans/agreements) to secure certification. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document; utilities in conflict with the project are relocated, or a plan for their relocation during construction has been approved; and coordination with the railroad (if applicable) has occurred and been documented.

13. CONTRACT PROPOSAL AND ENGINEER'S ESTIMATE

CONTRACT PROPOSAL

The Municipality shall develop a contract proposal that will be advertised for bids. The proposal shall comply with NCDOT Specifications and Standard Drawings as applicable to the Project. The proposal shall also contain provisions, as applicable, per Title 23 Code of Federal Regulations 633 and 635 to include, but not be limited to: FHWA 1273, Buy America, Davis-Bacon Wage Rates, Non-discrimination, DBE Assurances, Contractor Certification regarding suspension and debarment, and other provisions as required by the Department.

ENGINEER'S ESTIMATE

The Municipality shall develop an itemized engineer's estimate to show items referenced to the NCDOT Standard Specifications, if applicable, along with units and unit price. The engineer's estimate will be used as the basis for comparing bids received.

14. CONSTRUCTION AUTHORIZATION

The Municipality shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The Municipality shall not advertise for bids prior to receiving written construction authorization from the Department.

15. CONTRACTOR PROCUREMENT

ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the Municipality may advertise the Project. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 2 of the Code of Federal Regulations, Part 200 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm; and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp.

CONSTRUCTION CONTRACTOR REQUIREMENTS

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference <https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx>.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

AWARDING CONTRACT

After the advertisement of the Project for construction bids, the Municipality shall request concurrence from the Department to award the construction contract by submitting a letter along

with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the Municipality prior to the contract being awarded by the Municipality.

DELAY IN PROCUREMENT

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the Municipality shall be responsible for documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

FORCE ACCOUNT

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference www.fhwa.dot.gov/legregs/directives/cfr23toc.htm. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at www.ncleg.net/gascripts/Statutes/Statutes.asp.

16. CONSTRUCTION

The Municipality, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

CONSTRUCTION CONTRACT ADMINISTRATION

The Municipality shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities,

project diaries, and pay records. The Municipality, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The Municipality shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

RETAINAGE

The Municipality shall not retain any portion of a payment due the contractor.

SIGNAGE

The Municipality shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

SITE LAYOUT

The Municipality shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design (www.usdoj.gov/crt/ada/stdspdf.htm).

RIGHT TO INSPECT

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

CONTRACTOR COMPLIANCE

The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

CHANGE ORDERS

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

SHOP DRAWINGS

Shop Drawings shall be submitted in accordance with the approved plans and specifications and may require review by the Designer.

17. CLOSE-OUT

Upon completion of the Project, the Municipality shall be responsible for the following:

FINAL INSPECTION

The Municipality shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the Municipality. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The Municipality shall provide the Department with written evidence of approval of completed project prior to requesting final reimbursement.

FINAL PROJECT CERTIFICATION

The Municipality will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

18. MAINTENANCE

The Municipality, at no expense or liability to the Department, shall assume all maintenance responsibilities for the Downtown Apex Safe Routes to School, or as required by an executed encroachment agreement.

19. REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

- ROW Acquisition
- Utility Relocation
- Construction

REIMBURSEMENT GUIDANCE

The Municipality shall adhere to applicable administrative requirements of Title 2 Code of Federal Regulations, Part 200 (www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm. Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

- **WORK PERFORMED BEFORE NOTIFICATION**

Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

- **NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

At no time shall the Department reimburse the Municipality costs that exceed the total funding per this Agreement and any Supplemental Agreements.

- **UNSUBSTANTIATED COSTS**

The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

▪ **WORK PERFORMED BY NCDOT**

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$1,395,356 available to the Municipality under this Agreement. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

▪ **CONSTRUCTION ADMINISTRATION**

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project. These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

▪ **CONSTRUCTION CONTRACT UNIT PRICES**

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

▪ **RIGHT OF WAY**

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the agreed upon just compensation for the property, at the reimbursement rate as shown in the FUNDING TABLE.

▪ **FORCE ACCOUNT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the

Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

▪ PROCEDURE

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at <https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx>.

▪ INTERNAL APPROVALS

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

▪ TIMELY SUBMITTAL OF INVOICES

The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

▪ FINAL INVOICE

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

20. REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

The Municipality is responsible for submitting quarterly Project evaluation reports, in accordance with the Department's guidelines and procedures, that detail the progress achieved to date for the Project.

PROJECT RECORDS

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

21. OTHER PROVISIONS

REFERENCES

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

INDEMNIFICATION OF DEPARTMENT

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

DEBARMENT POLICY

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

TITLE VI - CIVIL RIGHTS ACT OF 1964

The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

OTHER AGREEMENTS

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for the funds and obligations as approved by the Department under the terms of this Agreement.

AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IMPROPER USE OF FUNDS

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, the Department will bill the Municipality.

TERMINATION OF PROJECT

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

AUDITS

In accordance with 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," Subpart F – Audit Requirements, and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

REIMBURSEMENT BY MUNICIPALITY

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

USE OF POWELL BILL FUNDS

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.

AUTHORIZATION TO EXECUTE

The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.

FACSIMILE SIGNATURES

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

22. SUNSET PROVISION

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

TOWN OF APEX

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Town of Apex

Remittance Address:

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: 5/5/2022 (Date)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Russell H. Dalton, PE, Traffic Engineering Manager

Department(s): Public Works & Transportation

Requested Motion

Motion to approve a Review and Oversight Agreement with NCDOT for design review and project oversight activities for project BL-0047, Downtown Apex Safe Routes to School, requiring payment of a \$10,000.00 deposit, and to authorize the Town Manager to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

BL-0047, Downtown Apex Safe Routes to School, consists of construction of approximately 5,350 linear feet of 5-foot concrete sidewalk to include curb and gutter where needed, and approximately 820 linear feet of 10-foot asphalt side path in various locations in downtown Apex to improve access to ten bus stops. The Project also includes improvement of pedestrian crossings at the north and east legs of the signalized intersection of N Salem St and Hunter St.

Approval of the Review and Oversight Agreement is required for NCDOT to begin design review and project oversight activities of the Town's project in order to meet federal and state requirements for securing the federal cost reimbursement toward right of way acquisition, utility relocation, and construction as provided under separate agreement. NCDOT requires the Review and Oversight Agreement in order to charge internal staff time during preliminary engineering phase. A \$10,000.00 deposit is due upon delivery of the signed agreement to NCDOT. Once right of way phase activities are authorized by NCDOT, NCDOT can begin charging staff time under the agreement for right of way acquisition, utility relocation, and construction as provided under that separate funding reimbursement agreement.

Attachments

- Review and Oversight Agreement 1000012478



ACCOUNTS RECEIVABLE AGREEMENTS

PAYMENT TERMS AND METHODS



_____: I acknowledge that upon execution of this Agreement, we will be required to submit a down payment, if required. I also acknowledge that we may pre-pay any portion of the estimated cost noted in this Agreement, prior to final billing by the Department.

Please refer to your Agreement's PAYMENT TERMS to correctly remit any payment due to the Department.

<u>PAYMENT TERMS:</u>	<u>PAYMENT TIMING:</u>
PAYMENT UPON AGREEMENT EXECUTION	Please submit the amount of agreed upon payment via one of the below methods, <u>once you have received notice of execution of the Agreement.</u>
PAYMENT PRIOR TO LETTING (OR START OF PHASE)	You will be notified by the Project Manager when payment will be due. Please remit payment within 60 days of notification.
PAYMENT UPON BILLING	The Department will bill at the completion of the Project (or when defined in the Agreement). All payments are due within 60 days of invoicing.

NOTE: You may pre-pay any portion of an estimated cost, prior to Departmental Billing. The Department will adjust final billing to account for any pre-payments made.

LATE PAYMENTS AND INTEREST RATES:

For payments not received within 60 days, the Department must charge a statutory interest rate of prime plus one percent (1%) on all Utility Relocation Agreements. For any other Receivable Agreement, the Department may charge a late fee and/or interest.

PAYMENT METHODS

1. **SEND PAYMENT BY CHECK** OR

MAIL TO:

NCDOT – Accounts Receivable
1514 Mail Service Center
Raleigh, NC 27699-1514

INCLUDE:

- Agreement ID (10000xxxxx)
- WBS Element

2. **SEND PAYMENT VIA ACH (Automated Clearinghouse)**

Initiate ACH through your bank* and send an e-mail to:

- ✓ Judith Dever - jadever@ncdot.gov
- ✓ Kay Lee - klee@ncdot.gov

INCLUDE:

- Agreement ID# (10000xxxxx)
- WBS Element
- Amount of Payment

**If you need NCDOT's Account information, contact Tammy Court at tcourt@ncdot.gov*

Failure to follow the above steps and remit payment per the terms in the Agreement may result in delays to project delivery. Please contact your Division Project Manager for questions regarding payment terms.

NORTH CAROLINA
WAKE COUNTY

DATE: 4/6/2022

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 36249.4405

TOWN OF APEX

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF Project (“Project”): The project consists of designing and constructing various sidewalk segments in the downtown area to enhance pedestrian connectivity to schools, transit, and other amenities. The Town seeks NCDOT review and approval in the planning, environmental document, and design phases of the project.

ESTIMATED COST OF THE ADDITIONAL WORK: \$10,000

COSTS TO OTHER PARTY: \$10,000

PAYMENT TERMS: Town of Apex shall submit payment upon agreement execution.

MAINTENANCE: Town of Apex

EFFECTIVE DATES OF AGREEMENT:

START: Upon Full Execution of this Agreement

END: When work is complete and all terms are met.

This **AGREEMENT** is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **DEPARTMENT** and the Town of Apex, hereinafter referred to as the **Municipality**.

The parties to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the parties with respect to its subject matter and supersedes any previous communication or agreements that may exist.

WITNESSETH:

WHEREAS, the Department and the Municipality propose Preliminary Engineering work towards certain roadway improvements in Wake County; and,

WHEREAS, CAMPO and the Municipality have agreed to allocate funding towards the construction phase of the project; and,

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF PROJECT

1. The Project Consists of designing and constructing various sidewalk segments in the downtown area to enhance pedestrian connectivity to schools, transit, and other amenities. The Town seeks NCDOT review and approval in the planning, environmental document, and design phases of the project. The Municipality is proposing this project for funding through the CAMPO Locally Administered Projects Program and is requesting this agreement for the Preliminary Engineering phase.
2. The Municipality shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.
3. The Municipality shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department. All design plans, calculations and supporting documents shall be submitted to the Department for review and approval at appropriate intervals."

4. If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the Municipality shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The Municipality shall bear all costs associated with penalties for violations and claims due to delays.
5. The Municipality shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the Municipality, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.
6. The Municipality, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

FUNDING

7. The Municipality shall reimburse the Department one hundred percent (100%) of the actual cost of the Review and Oversight performed by the Department, including administrative costs. Based on the estimated costs, the Municipality shall submit a check for \$10,000 to the Department's Division Engineer upon **partial execution** of this Agreement by the Municipality. Upon completion of the Project, if actual costs exceed the amount of payment, the Municipality shall reimburse the Department any underpayment within sixty (60) days of invoicing by the Department. If the actual cost of the work is less than \$10,000, the Department shall reimburse the Municipality any overpayment. The Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23.
8. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, the City hereby authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, until such time as the Department has received payment in full.

ADDITIONAL PROVISIONS

9. The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.
10. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.
11. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department and the Municipality is subject to the conditions of this Agreement.

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day of year heretofore set out, on the part of the DEPARTMENT and the MUNICIPALITY by authority duly given.

FED TAX ID NO: _____

AUTHORIZED SIGNER _____

PRINT NAME: _____

REMITTANCE ADDRESS:

TITLE: _____

DATE SIGNED: _____

IF YOU ARE SIGNING IN INK PLEASE HAVE AN ATTESTOR SIGN BELOW.

ATTESTED BY: _____

NAME (Print): _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government and Budget and Fiscal Control Act.

FINANCE OFFICER: _____

SIGN HERE: _____

DATE: _____

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE SIGNED: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____ 3/10/2022 _____ (Date)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): David Hardin, Water Resource Specialist

Department(s): Water Resources

Requested Motion

Motion to approve the Triangle Area Water Supply Project Phase IX Five-Year Interlocal Agreement and to authorize the Town Manager to execute it on behalf of the Town.

Approval Recommended?

Yes

Item Details

Since 1988 the Triangle Area Water Supply Monitoring Project (TAWSMP) in collaboration with the US Geological Survey (USGS) and the Triangle J Council of Governments (TJCOG), has collected and analyzed regional water quality samples from reservoirs and streams and collected continuous discharge records from streams in the study area. This effort, funded by eight local government partners, including Chatham County, Orange County, Town of Apex, Town of Cary, City of Durham, Town of Hillsborough, and Orange Water and Sewer Authority, is outlined in an interlocal agreement. This agreement provides the basis for a continued collaboration and guidance for Phase IX of this work, which will last from July 2022 to June 2027. The yearly TAWSMP expenditure for the Town of Apex will be \$38,662.93 each year for five years.

Attachments

- TAWSMP ILA And TJCOG Agreement IX



TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM
COUNTY OF DURHAM
COUNTY OF ORANGE
COUNTY OF WAKE

INTERLOCAL AGREEMENT
for
PHASE IX
of the
TRIANGLE AREA WATER SUPPLY MONITORING PROJECT

THIS INTERLOCAL AGREEMENT for PHASE IX of the TRIANGLE AREA WATER SUPPLY MONITORING PROJECT (“Agreement”), also referred to as TAWSMP, is made and entered into by, between and among Chatham County, Orange County, the Town of Apex, the Town of Cary, the City of Durham, the Town of Hillsborough, and the Orange Water and Sewer Authority (hereinafter singularly the “Participants” and collectively “Participants”), to be effective from and after July 1, 2022 (“Effective Date”).

WITNESSETH:

WHEREAS, on August 18, 1988, several local governments in the Triangle J Council of Governments Region (Region J), entered into an interlocal agreement to establish the Triangle Area Water Supply Water Quality Monitoring Project (hereinafter, the “Monitoring Project”) applicable to certain surface water supplies in Region J; and

WHEREAS, the local governments participating in the Monitoring Project established a Monitoring Project Steering Committee (hereinafter, the “Committee”) to make technical, financial, and administrative recommendations to the Participants; and

WHEREAS, the Monitoring Project has been continuously funded through a series of Joint Funding Agreements with the US Geological Survey (hereinafter, the “USGS”) through June 30, 2022, as described in Attachment A, as well as through a series of interlocal agreements; and

WHEREAS, the Monitoring Project will complete its Phase VIII monitoring program on June 30, 2022; and

WHEREAS, said Committee has determined that prior Monitoring Project phases met the objectives of measuring water quality conditions and long-term trends in water quality and recommended that additional monitoring be undertaken;

NOW, THEREFORE, the Participants hereto desire to enter into an Interlocal Agreement pursuant to GS 160A-460 *et. seq.* for the purpose of continuing to operate the Monitoring Project. Toward that end, the Participants agree to the following terms and conditions:

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Section 1. Purpose of the Monitoring Project

- A. The primary objectives of the Monitoring Project continue to be to:
 - 1. Supplement existing data on major ions, nutrients, and trace elements to enable determination of long-term water quality trends;
 - 2. Examine the differences in water quality among water supplies within the region, especially differences among smaller upland sources, large multi-purpose reservoirs, and run-of-river supplies;
 - 3. Provide tributary loading data and in-lake data for predictive modeling;
 - 4. Establish a database for constituents of concern in surface waters in the region; and
 - 5. Report results of the monitoring program to governmental officials, the scientific community, and the public.

- B. The objectives for Phase IX of the Monitoring Project are to:
 - 1. Characterize and report water quality monitoring results
 - a. Perform monitoring of major ions, nutrients, suspended sediment, and chlorophyll-a to document water-quality conditions throughout the study area and to extend the existing database that the USGS can use in the future to evaluate loads and trends.
 - b. Monitor the occurrence and distribution of additional parameters of concern to local water suppliers, including bromide and 1,4-dioxane at select sites (see Table 1), and per- and polyfluoroalkyl substances (PFAS) at all sites.
 - c. Summarize project water-quality data collection in annual data release updates comprising all environmental and QA/QC sample results.
 - 2. Characterize regional surface water availability
 - a. Provide information on flow conditions in reservoir tributaries by continuing to operate a network of 10 gaging stations for the collection of continuous streamflow data. Note that the USGS operates 2 additional gages at TAWSMP sites; they are funded by the U.S. Army Corps of Engineers rather than TAWSMP partners. All streamflow data will be made publicly available in real time at <https://waterdata.usgs.gov/nc/nwis/rt>.
 - 3. Develop interpretive science products to disseminate data and scientific findings
 - a. Produce a two-page fact sheet directed towards the public that TAWSMP partners can use to communicate the goals and benefits of the project
 - b. Publish a report summarizing the results from phases XIII and IX contaminant sampling (PFAS, 1,4-dioxane, bromide, and chromium).

Section 2. Roles of the Participants, Managing Agent, and Committee

- A. The role of the Participants is to provide funds for the local portion of the Monitoring Project costs and to appoint representatives to the Committee.

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

- B. The Managing Agent is the Triangle J Council of Governments. The role of the Managing Agent is to:
1. Enter into Monitoring Project contracts recommended by the Committee;
 2. Provide overall Monitoring Project management services that will include, but not be limited to, coordination among technical contractors, data management and periodic summaries to the Participants; and
 3. Provide administrative support to the Committee, such as meeting announcements, minutes, billing, and overall accounting.
- C. The role of the Committee is to provide Monitoring Project oversight and to make technical, financial, and administrative recommendations to the Participants. The Committee will consist of one representative, selected by each Participant, each entitled to a single vote. Other individuals from each Participant may attend Committee meetings as necessary; however, only the appointed representatives may vote in person or by proxy.

The Committee's first meeting for Phase IX shall be convened by September 1, 2022 and chaired by the selected Phase IX Committee Chair. This Chair and any other officers will be selected by the Committee from among its members and formally elected during this initial meeting. Officer term length shall coincide with the duration of each Phase; however, officer transitions may occur throughout the Phase, if needed, and must be supported by a majority vote. The Committee may use meetings to adopt any rules or procedures it deems necessary. Proposed Committee by-laws are provided in Attachment D.

The principal charge to the Committee is to oversee the Monitoring Project's timely execution, and to ensure the responsible expenditure of public funds. The Committee shall have authority to modify the Monitoring Project's scope of work; to establish an annual budget; and to establish annual local costs (subject to the Participants' approval in accordance with Section 3). TAWSMP may not acquire any real property pursuant to this Agreement.

The agreement with the Managing Agent attached hereto as Attachments E and F is approved by approval of this Agreement, and the Committee Chair is authorized to enter into the agreement with the Managing Agent on behalf of the Committee and the Participants. All actions by the Committee or the Managing Agent related to the administration or disbursement of monies shall be in accordance with all applicable State statutes and other rules of fiscal control applicable to local governmental units and/or Councils of Governments.

Section 3. Funding of the Project

Participants do hereby enter into this Agreement with the intent of providing funds on an annual basis as necessary for completing the Monitoring Project. Local Costs, as outlined in Attachment B, for the entire five-year Phase IX of the Monitoring Project will not exceed \$2,065,800 for technical services provided by USGS, and \$104,000 for administrative services provided by TJCOG, as outlined in Attachment B. The annual funding support provided by Participants for a

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

five-year period, as shown in Attachment B, or as otherwise necessary to undertake the project as recommended by the Committee, provided, however, the funding level does not exceed the Participants' projected share of annual costs for FY (Fiscal Year) 2023-2027 (July 1, 2022 to June 30, 2027). If the Committee proposes to modify the Monitoring Project such that Total Local Costs exceed \$2,169,800, this Agreement must be amended in writing and signed by all Participants.

Participants' annual Local Costs will be determined on or before March 1 preceding each local fiscal cycle for which funds are to be budgeted. Annual Local Costs will be payable on or before August 31st of the fiscal year for which they are budgeted. Payments will be made to the Managing Agent as herein designated. Failure to pay by August 31st will result in accrual of interest beginning September 1 at a rate of $\frac{3}{4}$ of one percent per month (9% annual; over and above any limits on annual Local Costs).

Section 4. Terms of Agreement

- A. This agreement shall become effective July 1, 2022 and shall continue until the completion of the Monitoring Project, or until June 30, 2027, whichever is earlier, unless otherwise extended.
- B. Participants may withdraw from, or additional units of local government may join, this partnership, effective July 1 of any year, provided they have given formal written notice is delivered to the Monitoring Project Committee Chair **and** the Managing Agent by February 1 of that calendar year. Written notice of withdrawal is deemed sufficient only if it is signed by an individual holding the same position as the signatory of this Agreement. Any Participant wishing to withdraw from the Monitoring Project that has not provided a formal written notice to withdraw by March of that calendar year will be legally required to pay its agreed upon Local Cost, as described in Attachment B.
- C. All matters relating to this Agreement shall be governed by the laws of the State of North Carolina, and venue for any action relating to this Agreement shall be in Durham County Civil Superior Court or the United States District Court for the Middle District of North Carolina.
- D. In consideration of the signing of this Agreement, the Participants hereto for themselves, their agents, officials, and employees and servants agree not to discriminate on any prohibited basis.
- E. The Participants agree that this Agreement is subject to the E-Verify requirements of Article 2 of Chapter 64 of the North Carolina General Statutes and any contractor or subcontractor performing services under this Agreement shall be required to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.
- F. The Participants by executing this Agreement certify that as of the date of this Agreement they are not on the Final Divestment List as created by the State Treasurer pursuant to North Carolina General Statute 147-86.58 and they are in compliance with the requirements of the Iran Divestment Act and North Carolina General Statute 147-86.60.

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

They shall not utilize in the performance of this Agreement any subcontractor that is identified on the Final Divestment List.

- G. This Agreement may only be amended in writing and any amendment must be signed by all Participants.
- H. No Participant shall assign or transfer its interest in this Agreement without the written consent of all other Participants.

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Dan LaMontagne, County Manager
Chatham County

ATTEST: _____

Roy Lynch, Finance Officer
Chatham County

ATTEST: _____

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Bonnie B. Hammersley, County Manager
Orange County

ATTEST: _____

Gary Donaldson, Chief Financial Officer
Orange County

ATTEST: _____

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Catherine Crosby, Town Manager
Town of Apex

ATTEST: _____

Certificate of Town of Apex Finance Director

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Vance Holloman, Finance Director

Date

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Sean R. Stegall, Town Manager
Town of Cary

ATTEST: _____

Certificate of Town of Cary Finance Director

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Kimberly Branch, Finance Director

Date

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Wanda Page, City Manager
City of Durham

ATTEST: _____

Diana Schreiber, City Clerk
City of Durham

ATTEST: _____

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Tim Flora, Finance Officer

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Eric Peterson, Town Manager
Town of Hillsborough

ATTEST: _____

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Tiffany Long, Finance Director
Town of Hillsborough

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Todd Taylor, P.E., Executive Director
Orange Water and Sewer Authority

ATTEST: _____

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Stephen Winters, CPA, Director of Finance
Orange Water and Sewer Authority

**SUMMARY OF TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
PARTNERSHIP, AUGUST 1988 – JUNE 2022**

Due to reliance on surface water for water supply and the potential impact of growth on the quality of the region's water supply sources, local governments in the region recognize that water quality monitoring is crucial to the protection of the Triangle Area's surface water resources. In 1988, a number of local governments in the six-county region, with assistance from the Triangle J Council of Governments, formed the Triangle Area Water Supply Monitoring Project to systematically evaluate the quality of several water supply sources in the region. With assistance from the US Geological Survey (USGS), the Project has collected and analyzed water quality samples from reservoirs and streams and collected continuous discharge records from streams in the study area for nearly 30 years. These data, along with data collected by the North Carolina Division of Water Resources (DWR) and with data collected as part of a program of the USGS, the US Army Corps of Engineers, and the City of Durham, form a long-term comprehensive database on the quality of many of the area's water supply reservoirs and rivers, and selected tributaries to those water supplies.

In the last 30 years, concerns about water quality of the area's water supplies and the impact of development on reservoir eutrophication and contaminant concentrations have remained prominent, although specific concerns have changed. Monitoring initially focused on determining the occurrence of synthetic organic compounds in the water column and bed sediments; later monitoring and interpretive efforts focused on nutrient and sediment loads and trends. Issues such as the occurrence of disinfection by-products, microbial pathogens, and pharmaceutical and personal care products have also been addressed.

Throughout the history of the Project, the local government partnership has leveraged its local contributions with a major cost share match through a Joint Funding Agreement with the US Geological Survey. Phase I of the Project began with the execution of an interlocal agreement on August 18, 1988. At that time, the local government partners consisted of Chatham County, Orange County, the Town of Apex, the Town of Carrboro, the Town of Cary, the Town of Chapel Hill, the City of Durham, the Town of Hillsborough, the Town of Pittsboro, the City of Raleigh, the City of Sanford, and the Town of Smithfield. Phase I concluded on June 30, 1991.

Phase II of the Project began on July 1, 1991 with the execution of an amendment to the original interlocal agreement. At that time, the local government partners consisted of Chatham County, Orange County, the Town of Apex, the Town of Carrboro, the Town of Cary, the Town of Chapel Hill, the City of Durham, the Town of Hillsborough, the City of Raleigh, the City of Sanford, and the Town of Smithfield. The Town of Pittsboro had left the Project after Phase I. Phase II concluded on June 30, 1995.

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Phase III of the Project began on July 1, 1995 with the execution of an amendment to the original interlocal agreement. At that time, the local government partners consisted of Chatham County, Orange County, the Town of Apex, the Town of Carrboro, the Town of Cary, the Town of Chapel Hill, the City of Durham, the Town of Hillsborough, and the City of Sanford. The City of Raleigh and the Town of Smithfield had left the Project after Phase II. Phase III concluded on June 30, 1999.

During Phase III, the Town of Chapel Hill and the Town of Carrboro agreed that the Orange Water and Sewer Authority would enter into the same interlocal agreement on behalf of the Town of Chapel Hill and the Town of Carrboro to continue the Project from that point forward.

Phase IV of the Project began on July 1, 1999 with the execution of an amendment to the original interlocal agreement. At that time, the local government partners consisted of Chatham County, Orange County, the Town of Apex, the Town of Cary, the City of Durham, the Town of Hillsborough, and the Orange Water and Sewer Authority. The City of Sanford had left the Project after Phase III. Phase IV concluded on June 30, 2003.

Phase V of the Project began on July 1, 2003 with the execution of an amendment to the original interlocal agreement. At that time, the local government partners consisted of Chatham County, Orange County, Wake County, the Town of Apex, the Town of Cary, the City of Durham, the Town of Hillsborough, the Town of Morrisville, and the Orange Water and Sewer Authority. Wake County and the Town of Morrisville had joined the Project for Phase V. Phase V concluded on June 30, 2007. During Phase V, the City of Raleigh rejoined the Project with the execution of a confirmation of understanding effective on July 1, 2005.

Phase VI of the Project began on July 1, 2007 with the execution of a new interlocal agreement. At that time, the local government partnership consisted of Chatham County, Orange County, Wake County, the Town of Apex, the Town of Cary, the City of Durham, the Town of Hillsborough, the City of Raleigh, the Orange Water and Sewer Authority, and the South Granville Water and Sewer Authority. The Town of Cary assumed the cost share and responsibilities of the Town of Morrisville, and the South Granville Water and Sewer Authority joined the Project. The City of Raleigh, Wake County, and the South Granville Water and Sewer Authority withdrew from the Project in the 5th year of Phase VI. Phase VI concluded on June 30, 2012.

Phase VII of the Project began on July 1, 2012 with the execution of a new interlocal agreement. At that time, the local government partnership consisted of Chatham County, Orange County, the Town of Apex, the Town of Cary, the City of Durham, the Town of Hillsborough, and the Orange Water and Sewer Authority. The Town of Cary assumed the cost share and responsibilities of the Town of Morrisville. Phase VII will conclude on June 30, 2017.

Phase VIII of the Project began on July 1, 2017 with the execution of a new interlocal agreement. At that time, the local government partnership consisted of Chatham County, Orange County, the Town of Apex, the Town of Cary, the City of Durham, the Town of Hillsborough, and the Orange Water and Sewer Authority. The Town of Cary assumed the cost share and responsibilities of the Town of Morrisville. Phase VIII concluded on June 30, 2022.

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Phase IX of the Project will begin on July 1, 2022 with the execution of a new interlocal agreement. At that time, the local government partnership will consist of Chatham County, Orange County, the Town of Apex, the Town of Cary, the City of Durham, the Town of Hillsborough, and the Orange Water and Sewer Authority. The Town of Cary will assume the cost share and responsibilities of the Town of Morrisville. Phase IX will conclude on June 30, 2027.

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

ATTACHMENT B

**TAWSMP ANNUAL COST SHARES FOR PHASE IX:
FY 2023 – FY 2027 (July 1, 2022 to June 30, 2027)**

The total annual Participant cost for Phase IX of the Triangle Area Water Supply Monitoring Project is \$433,960.00, as reflected in Table 1.

Table 1. Annual Participant Cost Share for Phase IX of the Triangle Area Water Supply Monitoring Project by Federal fiscal year (October–September). [TAWSMP, Triangle Area Water Supply Monitoring Project; USGS, U.S. Geological Survey]

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT Yearly Cost Estimate for Phase IX									
Project Partners	Reservoir	2018 Raw Water Withdrawal ¹	2019 Raw Water Withdrawal ¹	2020 Raw Water Withdrawal ¹	2018, 2019, 2020 Raw Water Withdrawal Average	Share of Total Water Use 2020	Base Rate	Variable Rate Cost Share	Annual Cost Share
		(mgd) ¹	(mgd) ¹	(mgd) ¹	(mgd) ¹		(Base Cost Percentage * Total Yearly Fee) Divided by 8 or 4 (Cary)	(1 minus base rate)(Yearly Fee)(Share of total water use)	base rate + variable rate
Apex	B. Everett Jordan	4.34	4.58	4.81	4.58	7.4%	\$16,273.5	\$22,389	\$38,663
Cary (includes Morrisville)	B. Everett Jordan	19.12	19.51	19.20	19.28	31.0%	\$32,547.0	\$94,303	\$126,850
Chatham County (North Water System)	B. Everett Jordan	1.83	2.00	1.94	1.92	3.1%	\$16,273.5	\$8,409	\$25,683
Durham	B. Everett Jordan, Teer/Hanson Quarry, Lake Michie, Little River Reservoir	26.67	29.60	27.25	27.84	44.8%	\$16,273.5	\$136,196	\$152,469
Hillsborough ²	Eno River, Lake Ben Johnson	1.54	1.58	1.65	1.59	2.6%	\$16,273.5	\$7,775	\$24,049
Orange County ³	Eno River, Corporation Lake	0.05	0.05	0.05	0.05	0.1%	\$16,273.5	\$260	\$16,534
Orange Water and Sewer Authority	Cane Creek Reservoir, Jordan Lake, University Lake	7.75	6.51	6.25	6.84	11.0%	\$16,273.5	\$33,439	\$49,713
Total					62.09	1.00	\$130,168.00	\$303,772.00	\$433,960
Base Cost Percentage	0.3								
Notes:									
1. Raw water withdrawals provided in 2018, 2019, and 2020 in Local Water Supply Plans https://www.ncwater.org/WUDC/app/LWSP/ .									
2. 2020 raw water withdrawals from Hillsborough from Marie Strandwitz, personal communication									
3. Orange County's Average Annual Daily Water Use is based on the percentage of the Orange-Alamance Water System service area. Chris Sandt provided the 0.3 X 0.579 value on 9/29/2021 to Emily Barrett. located within Orange County, as indicated in its 2015 Local Water Supply Plan. Orange-Alamance Water System service area in Orange County = 30%									
4. Triangle Area Water Supply Monitoring Project Cost Share Calculation Based on 10/6/2021 Vote									
5. The scenario chosen was "5-mod-3" which is Baseline WQ +streamlined toxics +report +PFAS for 1 year (DOES include Hillsborough and DOES NOT include Haw)									
6. There are 8 partners. Cary is the water provider for Morrisville, so pays a greater share of the base rate to reflect that they pay for Cary and Morrisville.									

The total 5-year USGS project cost is \$3,332,000. The US Geological Survey will provide a thirty-eight percent cost share match of \$1,266,200. The Participant's total five-year cost share is \$2,065,800 plus \$104,000 for five years of TJCOG administration.

The Monitoring Project Participants' total annual cost for Phase VIII is \$413,160, plus \$20,800 for TJCOG services and support. The Monitoring Project Participants' individual annual cost shares are the sum of a base rate and a variable rate. The base rate is thirty percent of the total annual Monitoring Project Participants' cost, which is thirty percent of \$433,960, divided equally among the Monitoring Project Participants. The variable rate is seventy percent of the total annual Monitoring Project Participants' cost, which is seventy percent of \$433,960, multiplied by each Monitoring Project Participants' share of total water use, as calculated by the average raw water withdrawals in 2018, 2019, and 2020, except as noted in the notes for Table 1.

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

ATTACHMENT C

Tables 2, 3, and 4 below, are from the US Geological Survey’s *Proposal to the Triangle Area Water Supply Steering Committee for Water Quality Monitoring and Assessment of Selected Streams and Reservoirs in the Triangle Area of North Carolina: Phase IX of the Triangle Area Water Supply Monitoring Project, July 2022 through June 2027.*

Table 2. List of monitoring locations and activities supported by this proposal. [COC, contaminants of concern; USGS, U.S. Geological Survey; NC, North Carolina; USACE, U.S. Army Corps of Engineers; --, not applicable. Site locations are shown in Figure 1.]

Map number	USGS station number	USGS site name	Site type	Relevant water supply	Monitoring type			
					Streamflow ¹	Ambient/bi-monthly	Storm-event	COC sampling
1	0208480275	West Fork Eno Reservoir at Dam near Cedar Grove	Reservoir	West Fork Eno Reservoir, Eno River, Falls Lake	---	USGS	---	PFAS
2	0208524845	Little River Reservoir at Dam near Bahama	Reservoir	Little River Reservoir	---	USGS	---	PFAS
3	02086490	Lake Michie at Dam near Bahama	Reservoir	Lake Michie	---	USGS	---	PFAS
4	0209684980	Cane Creek Reservoir at Dam near White Cross	Reservoir	Cane Creek Reservoir	---	USGS	---	PFAS
5	0209699999	Jordan Lake, Haw River Arm near Hanks Chapel	Reservoir	Jordan Lake	---	USGS	---	Bromide, 1,4-dioxane, PFAS
6	0209749990	University Lake at intakes near Chapel Hill	Reservoir	University Lake	---	USGS	---	PFAS
7	0209768310	Jordan Lake at Buoy 12 at Farrington	Reservoir	Jordan Lake	---	USGS	---	Bromide, 1,4-dioxane, PFAS
8	0209799150	Jordan Lake above U.S. Highway 64 near Wilsonville	Reservoir	Jordan Lake	---	USGS	---	Bromide, 1,4-dioxane, PFAS
9	0209801100	Jordan Lake at Bells Landing near Griffins Crossroad	Reservoir	Jordan Lake	---	USGS	---	Bromide, 1,4-dioxane, PFAS
10	02085000	Eno River at Hillsborough	Stream	Eno River, Falls Lake	USGS	USGS	USGS	PFAS
11	02096846	Cane Creek near Orange Grove	Stream	Cane Creek Reservoir	USGS	USGS	USGS	PFAS
12	02097464	Morgan Creek near White Cross	Stream	Jordan Lake	USGS	USGS	USGS	PFAS
13	0209782609	White Oak Creek at mouth near Green Level	Stream	Jordan Lake	USGS	USGS	USGS	Bromide, 1,4-dioxane, PFAS
14	02085070	Eno River near Durham	Stream	Eno River, Falls Lake	USGS	(NCDEQ)	USGS	PFAS
15	0208521324	Little River at SR 1461 near Orange Factory	Stream	Little River Reservoir	USGS	(NCDEQ)	USGS	PFAS
16	02085500	Flat River at Bahama	Stream	Lake Michie	USGS	(NCDEQ)	USGS	PFAS
17	02096960	Haw River near Bynum	Stream	Jordan Lake	(USACE)	(NCDEQ)	USGS	Bromide, 1,4-dioxane, PFAS

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

18	02097314	New Hope Creek near Blands	Stream	Jordan Lake	USGS	(NCDEQ)	USGS	Bromide, 1,4-dioxane, PFAS
19	0209741955	Northeast Creek at SR 1100 near Genlee	Stream	Jordan Lake	USGS	(NCDEQ)	USGS	PFAS
20	02097517	Morgan Creek near Chapel Hill, NC	Stream	Jordan Lake	USGS	(NCDEQ) ²	USGS	Bromide, 1,4-dioxane, PFAS
21	02098198	Haw River below B. Everett Jordan Dam near Moncure	Stream	Jordan Lake	(USACE)	(NCDEQ)	USGS ³	Bromide, 1,4-dioxane, PFAS

¹ Gage funded through separate agreement with agency shown in parentheses

² NCDEQ conducts ambient monitoring at a downstream location (Morgan Creek near Farrington)

³ Streamflow from a nearby gage, USGS site number 02098206 (Haw River near Moncure, NC)

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Table 3. Annual sampling schedule, by site category, for sites sampled by the U.S. Geological Survey. [X, sampling is conducted at all stream or reservoir sites during this month.]

Type of Sampling	Month											
	J	F	M	A	M	J	J	A	S	O	N	D
4 STREAM SITES (BIMONTHLY)												
Physical properties (temperature, dissolved oxygen, pH, specific conductance, and turbidity), nutrients, major ions, suspended sediment, 1,4-dioxane, PFAS ¹		X		X		X		X		X		X
8 STREAM SITES (STORM RUNOFF ONLY)												
Physical properties, nutrients, major ions, suspended sediment, 1,4-dioxane, PFAS ¹	Maximum of 10 samples per year distributed among all stream sites during periods of runoff and (or) high flow											
9 RESERVOIR SITES (BIMONTHLY)												
Vertical profiles of physical properties; water clarity (secchi depth)		X		X		X		X		X		X
Near-surface: alkalinity, major ions, iron, manganese, 1,4-dioxane, PFAS ¹		X		X		X		X		X		X
Photic-zone vertical-composite: nutrients and chlorophyll a		X		X		X		X		X		X
Near-bottom: nutrients, iron, manganese		X		X		X		X		X		X

¹PFAS sampling will occur during water year 2024 only

Table 4. Water-quality properties, constituents, and analyzing laboratories. [NWIS, National Water Information System; CAS, Chemical Abstracts Service; --, not applicable; °C, degrees Celsius; USGS, U.S. Geological Survey; SAWSC, South Atlantic Water Science Center; NWQL, National Water Quality Laboratory; mg/L, milligrams per liter; µS/cm, microsiemens per centimeter; s.u., standard units; NTRU, nephelometric turbidity units; m, meters; µg/L, micrograms per liter; tbd, to be determined.]

Constituent	NWIS codes		CAS number	Detection level (2022)	Reporting level (2022)	Unit	Analyzing entity
	Parameter	Method					
FIELD AND PHYSICAL PROPERTIES							
Water temperature	10	THM01	--	--	0.1	°C	USGS SAWSC (in-field readings)
Dissolved oxygen	300	LUMIN	--	--	0.1	mg/L	
Specific conductance at 25 °C	95	SC001	--	--	1	µS/cm	
pH	400	PROBE	--	--	0.1	pH	
Acid neutralizing capacity	419	TT065	471-34-1	--	5	mg/L	
Turbidity	63676	TS196	--	--	0.1	NTRU	
Secchi depth (reservoirs)	78	SECCH	--	--	0.1	m	
Depth to 1 percent incident light (reservoirs)	85328	--	--	--	0.1	m	
Suspended sediment (streams)	80154	various	--	--	1	mg/L	USGS Kentucky

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

							Sediment Lab
NUTRIENTS AND CHLOROPHYLL							
Nitrogen, ammonia	608	SHC02	7664-41-7	0.02	0.04	mg/L	USGS NWQL
Nitrogen, ammonia + organic	625	KJ008	17778-88-0	0.07	0.14	mg/L	
Nitrogen, nitrite + nitrate	631	RED02	--	0.01	0.02	mg/L	
Phosphorus, orthophosphate	671	PHM01	14265-44-2	0.004	0.008	mg/L	
Phosphorus, total	665	CL021	7723-14-0	0.003	0.006	mg/L	
Chlorophyll a (reservoirs)	70953	FL016	479-61-8	--	0.1	mg/L	USGS NWQL
Pheophytin a (reservoirs)	62360	FL016	603-17-8	--	0.1	mg/L	
MAJOR IONS							
Bromide	71870	IC027	24959-67-9	0.01	0.02	mg/L	USGS NWQL
Calcium	915	PLA11	7440-70-2	0.02	0.04	mg/L	
Chloride	940	IC022	16887-00-6	0.02	0.04	mg/L	
Fluoride	950	IC003	16984-48-8	0.01	0.02	mg/L	
Magnesium	925	PLA11	7439-95-4	0.01	0.02	mg/L	
Potassium	935	PLO03	7440-09-7	0.3	0.6	mg/L	
Silica	955	PLA11	7631-86-9	0.05	0.1	mg/L	
Sodium	930	PLA11	7440-23-5	0.4	0.8	mg/L	
Sulfate	945	IC022	14808-79-8	0.02	0.04	mg/L	
METALS							
Iron (reservoirs)	1045	PLO07	7439-89-6	5	10	mg/L	USGS NWQL
Manganese (reservoirs)	1055	PLO07	7439-96-5	0.2	0.4	mg/L	
ORGANIC COMPOUNDS							
Organic carbon, total	680	COMB9	--	0.7	1.4	mg/L	USGS NWQL
1,4-Dioxane	81582	GM016	123-91-1	0.1	0.2	mg/L	USGS NWQL
PFAS	tbd	tbd	tbd	tbd	tbd	ng/L	tbd

**MEETING AND DECISION-MAKING BY-LAWS
for the
TRIANGLE AREA WATER SUPPLY MONITORING PROJECT**

ARTICLE I- MEETINGS OF THE STEERING COMMITTEE

- 1. Meeting Frequency:** Regular quarterly meetings of the Steering Committee shall be held on such date and at such time and place as may be set by the Steering Committee. In addition, the Steering Committee may conduct additional regular meetings at such times and places as the Steering Committee shall determine. All meetings will be held in accordance with North Carolina open meetings statutes.
- 2. Notice of Meetings:** Notice of each meeting of the Steering Committee shall be in writing, shall state the place, day, and hour of the meeting and, in the case of a special meeting, shall state the purpose or purposes for which such meeting is called. Each such notice shall be given in accordance with the State of North Carolina's open meetings laws. All notices shall be delivered by email to Steering Committee representatives.
- 3. Proxy:** A representative may be represented at any meeting or meetings of the Steering Committee or vote and exercise any other rights at any meeting by proxy or proxies appointed in writing signed by such representative and delivered by email, mail or facsimile to the Managing Agent at the time of such meeting.
- 4. Officers:** Per the ILA, the Chair and Vice Chair officers will be selected by the Committee from among its members and formally elected during the kickoff meeting for each Phase. The Vice Chair position will serve as acting Chair in the event of the Chair's absence at any Committee meeting or other affair. Officer term length shall coincide with the duration of each Phase; however, officer transitions may occur throughout the Phase if needed and supported by a majority vote.
- 4. Voting:** The action of a simple majority of the representatives present and voting at a meeting at which a quorum (see below) is present shall be the action of the Steering Committee. Each Participant shall be entitled to one (1) representative and one (1) vote on any matter coming before the Steering Committee of the partnership.
 - (a) Quorum:** A quorum shall consist of at least one-half of the Steering Committee representatives, each one representing a different Participant, present in person or by proxy. A majority of the Steering Committee representatives present at a meeting, whether or not a quorum is present, may adjourn such meeting from time to time until a quorum is present. The Steering Committee may act by consensus or majority vote of the representatives present. Voting may take place by email, by telephone conference, by facsimile, by written ballot, or by vote at a duly called meeting. Once a quorum is present at a meeting, the exiting or abstention of any representative shall not remove

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

such quorum and all business which otherwise could have been conducted at such meeting may continue to be conducted.

5. Rules of Order: All meetings shall be conducted according to Robert’s Rules of Order, newly revised, except as otherwise noted in these by-laws.

ARTICLE II- AMENDMENTS TO BY-LAWS

Amendments to these by-laws may be approved by an affirmative vote of the majority of the Steering Committee, provided written notice of the proposed changes have been provided to all representatives at least thirty (30) days prior to the vote being taken. Amendments shall take effect immediately upon their adoption unless specified otherwise in the amendment.

ARTICLE III- ADOPTION OF BY-LAWS

The TAWSMP Steering Committee has approved these by-laws on the ____day of _____ in the year _____, by a vote of ____ for to _____ against.

BY:

ATTEST:

Katie Harwell, Chair
Orange Water and Sewer Authority

Witness

Sarah Braman
Town of Cary

Witness

David Hardin
Town of Apex

Witness

Chris Summerlin
Chatham County

Witness

Reginald Hicks
City of _____

Witness
Durham

Marie Strandwitz

Witness

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Town of Hillsborough

Wesley Poole
Orange County

Witness

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

ATTACHMENT E

AGREEMENT BETWEEN THE
TRIANGLE AREA WATER SUPPLY MONITORING PROJECT STEERING COMMITTEE
AND
TRIANGLE J COUNCIL OF GOVERNMENTS
REGARDING THE OVERALL MANAGEMENT OF THE
WATER QUALITY MONITORING PROJECT

This Agreement is entered into this ____ day of _____, 2022 by and between the Triangle Area Water Supply Monitoring Project Steering Committee, hereinafter called the Committee, and the Triangle J Council of Governments, hereinafter called the Managing Agent.

WHEREAS, Chatham County, Orange County, the Town of Apex, the Town of Cary, the City of Durham, the Town of Hillsborough, and the Orange Water and Sewer Authority (hereinafter called the “Participants”) have entered into an Interlocal Agreement effective July 1, 2022 (‘Interlocal Agreement’) for the purpose of facilitating a water quality monitoring project for the Triangle Area surface water supplies, hereinafter called the “Project;” and

WHEREAS, those counties, municipalities and authorities have created a Steering Committee and empowered the Chair to enter into this agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Committee and Managing Agent hereby mutually agree as follows:

Section 1. Purpose

The purpose of this Agreement is to provide for the overall administration of the Project, as reflected in Attachment F.

Section 2. Scope of Services

The Managing Agent shall perform the tasks necessary for overall Project administration. The Managing Agent will act on the Committee’s behalf in all of the Committee’s contractual agreements.

The general procedure that will be followed will be one of day-to-day management and oversight of the Project by the Managing Agent, performed within the context of regular consultation with Committee members and other technical advisors and contractors to the Project.

The Managing Agent agrees to provide the services hereinafter set forth:

- A. Collaboration with the Project’s technical contractors to review and provide input on products, reports, and other documents, create informational materials, and to relay pertinent information to the Steering Committee and Participants as needed;

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

- B. Day to day oversight of the Project's contracts and agreements, ensuring that objectives are achieved and milestones are met according to contract/agreement specifications;
- C. Maintenance of the Project's financial records and other bookkeeping activities, including the collection of local funds committed to the Project and payment of contractors;
- D. Maintenance of records to ensure compliance with all applicable State statutes and other rules of fiscal control applicable to local government units;
- E. Staff support to the Project Steering Committee, including meeting room facilities, announcements, and minutes;
- F. Periodic written and verbal reports of progress toward the Project's overall objectives, as stated in Section 1 of the July 1, 2022 Interlocal Agreement, including quarterly progress reports;
- G. Liaison between the Committee and its technical consultants regarding any modifications that may be needed to better meet those objectives; and
- H. Preparation of a draft Annual Administrative Workplan that will clearly define expectations, deliverables, and schedule milestones for the subsequent fiscal year. A draft Workplan will be provided by the Managing Agent to the Committee for their consideration by April 1 prior to the beginning of the applicable fiscal year.
- I. Participation in any Committee annual performance review of the Managing Agent.
- J. Other staff support services to assist the Committee in its primary charge of overseeing the Project's timely execution and insuring the responsible expenditure of public funds. This will include working with the Committee to expand the Participant base for the Project, the creation and maintenance of an online document sharing portal for all TAWSMP products, reports, and other information, and any other efforts as determined by a vote of the Committee and included in the adopted Annual Administrative Workplan, and which would not detract from providing the services enumerated in Section 2, Parts A through G above.

Section 3. Time of Performance

The services of the Managing Agent will commence on July 1, 2022, and will terminate upon completion of the Project, or on June 30, 2027, whichever is earlier, unless otherwise extended.

Section 4. Compensation

The total compensation to be paid for services outlined in Sections 2 of this Agreement will be \$104,000, payable according to the following schedule unless the Committee invokes by majority vote the Fund Withholding Provision of this section:

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

June 30, 2018:	\$20,800
June 30, 2019:	\$20,800
June 30, 2020:	\$20,800
June 30, 2021:	\$20,800
June 30, 2022:	<u>\$20,800</u>
Total	\$104,000

All payments shall be made to the Managing Agent from the annual funding support provided by the Participants in the Project.

The Project Steering Committee may review the performance of the Managing Agent as necessary to ascertain fulfillment of work plan obligations. The Committee may, by majority vote, decide that Managing Agent is deficient in providing one or more services enumerated in Section 2. In making such a determination, the Committee shall provide written notice to Managing Agent specifying:

1. In which of the enumerated services there is a deficiency,
2. The funded activity in the Annual Administrative Work Plan which is deficient and the specific nature of the deficiency,
3. The steps Managing Agent needs to take to remedy the deficiency, and
4. The deadline by which the remedy needs to be achieved.

If, after the deadline, the Committee by majority vote determines that the deficiency has not been satisfactorily remedied, the Committee may withhold ten percent of the Managing Agent's compensation for the Fiscal Year covered by the Annual Administrative Work Plan. In the event that Participants have already paid the total annual compensation for the fiscal year, Managing Agent shall return ten percent of the compensation to each Participant.

Section 5. Suspension or Termination

Either Participant may suspend or terminate this Agreement upon 60 days written notice in whole or in part for cause. Cause shall include the following:

- A. Ineffective or improper use of funds;
- B. Failure to comply with the terms and conditions of this Agreement; and
- C. If for any reason the carrying out of this Agreement is rendered impossible or infeasible, including inability of Participants or any one Participant to provide adequate funding.

If the Committee withholds payment, it shall advise the Managing Agent and specify in writing the actions that must be taken and a reasonable date for compliance as a condition precedent to the resumption of payments. If the Committee or the Managing Agent intends to suspend this Agreement, it shall advise the other Participants and specify in writing the actions that must be taken and a reasonable date of compliance in order to avoid suspension of the Agreement. Upon receipt of notice of termination Managing Agent shall immediately cease all services and meet with the Committee to determine what services, if any, shall be required to bring the Project to a reasonable termination in accordance with the Committee's request.

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Section 6. Access to Records

The Managing Agent shall maintain all official Project records and documents during the Project. The Committee shall have access to any books, documents, papers and records of the Managing Agent, which are pertinent to the execution of this Agreement, for the purpose of making audits, examinations, excerpts and transcriptions.

Section 7. Interest Earned on Committee Revenues

The Managing Agent shall place the interest earned on the revenues received from August 9, 1988 until the end of the Project into a deferred revenue account. This account shall offset expenses in the final year of the Project or shall be applied to unforeseen Project expenses, as determined by the Committee.

Section 8. Additional Terms

- A. This Agreement may only be amended in a writing signed by the Participants.
- B. Managing Agent shall not assign or transfer its interest in, nor delegate its duties under this Agreement.
- C. This Agreement shall be governed by the laws of the State of North Carolina. Any and all suits or actions related to this Agreement shall be brought in Wake County N.C. as defined in Section 4 of the Interlocal Agreement.
- D. The Participants agree that this Agreement is subject to the E-Verify requirements of Article 2 of Chapter 64 of the North Carolina General Statutes and any contractor or subcontractor performing services because of this Agreement shall be required to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.
- E. The Participants by executing this Agreement certify that as of the date of this Agreement they are not on the Final Divestment List as created by the State Treasurer pursuant to North Carolina General Statute 147-86.58 and they are in compliance with the requirements of the Iran Divestment Act and North Carolina General Statute 147-86.60. They shall not utilize in the performance of this Agreement any subcontractor that is identified on the Final Divestment List.
- F. If any provision of this Agreement is held as a matter of law to be unenforceable, the remainder of this Agreement shall be enforceable without such provision.

By:

Katie Harwell, Chair, Triangle Area Water Supply Monitoring Project Steering Committee

By:

Lee Worsley, Executive Director, Triangle J Council of Governments

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

ATTACHMENT F

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
PHASE IX: JULY 2022 THROUGH JUNE 2027

Water Quality Monitoring and Assessment of Selected Streams and Reservoirs in the Triangle Area of North Carolina

Submitted to

**Triangle Area Water Supply Monitoring Project
Steering Committee**

prepared by

Rosemary Fanelli
U.S. Geological Survey
3916 Sunset Ridge Road
Raleigh, North Carolina 27607
Email: rfanelli@usgs.gov

February 2022

BACKGROUND

The Triangle area is a multi-county region located within the upper Cape Fear and Neuse River basins in the Piedmont Physiographic Province of North Carolina (Figure1). Municipal suppliers obtain raw water from lakes and rivers in the Triangle area. All surface waters in the study area are designated “nutrient sensitive”, meaning these waters are particularly vulnerable to excessive algal growth from elevated nutrient inputs (NCDEQ, 2019). Although some of these streams have high quality water and are designated as such (*e.g.*, the Eno River located in the Neuse River basin), several streams in the Triangle Area Water Supply Monitoring Project (TAW SMP) study area are already impaired as indicated by poor biological integrity, low dissolved oxygen,

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

high turbidity, and excessive fecal coliform bacteria. For example, Jordan Lake and University Lake exceed state criteria for phosphorous, nitrogen and chlorophyll-a (NCDEQ, 2018). The region has undergone, and continues to undergo, profound increases in population and land use change, which increases the demand on drinking water supplies. From 2010 to 2020, population in Chatham, Durham, Orange, and Wake Counties increased 21% (from 1,368,231 to 1,649,011 persons), with a projected population increase of another 34% in the same four counties by 2040 (North Carolina Office of State Budget and Management, 2021). This population growth not only increases drinking water demand, but also puts water supplies at risk. Development to accommodate growing populations can increase nutrient and sediment loading, increase wastewater discharge volumes, and may also add contaminant sources, such as industrial facilities, to the landscape.

Recognizing these potential impacts of population growth and landscape change on water-supply quality and quantity, local governments have committed to long-term monitoring and assessment to protect the area's water-supply resources. In 1988, several local governments joined to form the TAWSMP to systematically evaluate the quality of water-supply sources in the region. With cooperative assistance from the U.S. Geological Survey (USGS), the TAWSMP has collected and analyzed water-quality samples from reservoirs and streams and continuous records of streamflow in the study area for over 30 years. Data collected by the TAWSMP, the NCDEQ, and cooperative programs between the USGS and the U.S. Army Corps of Engineers (USACE), the Upper Cape Fear River Basin Association, and numerous city and county governments form a long-term, comprehensive database for streamflow and water quality in the Triangle area. The impact of development on reservoir eutrophication and the need to track contaminants that affect water-supply suitability have been consistent concerns since the project began. The USGS has used project data to quantify trends in water-quality and loads of nutrients and sediment from major tributaries. During previous project phases, pesticides and PCBs, disinfection by-products, microbial pathogens, and U.S. Environmental Protection Agency (USEPA) priority pollutants also were investigated, and a series of USGS reports have been published (e.g., McKee and others, 2021, Giorgino and others, 2007). The sustainability of water supplies depends on water availability as well as water quality; therefore, the 10 streamflow-gaging stations that are supported by this project are extremely valuable to local partners.

PROBLEM

Developmental pressure from population growth in the Triangle area continues to increase demands on surface-water supplies. At the same time, ongoing urbanization, eutrophication of water-supply reservoirs, and potential impacts from a changing climate challenge the long-term sustainability of the region's water supplies. Municipal and county agencies who manage public drinking-water utilities within the Triangle area have an ongoing need for consistent, long-term monitoring and interpretation to ensure the availability and quality of future drinking-water supplies.

Public health concerns regarding emerging contaminants and their impacts on water supplies remains a concern in the region. Bromide, which contribute to the formation of brominated trihalomethanes during the water treatment process, and 1,4-dioxane, an organic solvent that is a probable human carcinogen, were monitored during the previous phase of this project (phase

XIII, which included water years 2017-2021). This monitoring revealed intermittent elevated levels of 1,4-dioxane in Jordan Lake and its main tributary, the Haw River, and samples above 0.05 mg/L of bromide in Jordan Lake, the Haw River, and two additional tributaries (New Hope Creek and White Oak Creek). Previous monitoring for hexavalent chromium did not reveal any major concerns. There is also growing concern over per- and poly-fluoroalkyl substances (PFAS) in the region, given confirmed sources in upstream municipalities of the Haw River watershed (Nakayama et al. 2007, Sun et al. 2016). These findings support the continued need for contaminant monitoring in the region.

OBJECTIVE

The primary objectives of the TAWSMP are to continue monitoring water quality at a network of 21 water-supply reservoir and stream sites and streamflow at 10 gaging stations, and to provide new information on the occurrence and distribution of contaminants of concern to water suppliers. The USGS proposes to continue to monitor bromide and 1,4-dioxane at sites with previous occurrences, and to conduct a one-year sampling campaign across all sites for PFAS. The long-term monitoring program for conventional water-quality constituents will also continue this phase. Efforts will be made to ensure public awareness and understanding of the project and the quality of water-supply sources in the region through periodic presentations, social media outreach activities, and by maintaining a project web site. Specific objectives proposed for Phase IX of the TAWSMP are:

1. Characterize and report water quality monitoring results

- a. Perform monitoring of major ions, nutrients, suspended sediment, and chlorophyll-a to document water-quality conditions throughout the study area and to extend the existing database that the USGS can use in the future to evaluate loads and trends.
- b. Monitor the occurrence and distribution of additional parameters of concern to local water suppliers, including bromide and 1,4-dioxane at select sites (see Table 1), and PFAS at all sites.
- c. Summarize project water-quality data collection in annual data release updates comprising all environmental and QA/QC sample results.

2. Characterize regional surface water availability

- a. Provide information on flow conditions in reservoir tributaries by continuing to operate a network of 10 gaging stations for the collection of continuous streamflow data. Note that the USGS operates 2 additional gages at TAWSMP sites; they are funded by the U.S. Army Corps of Engineers rather than TAWSMP partners. All streamflow data will be made publicly available in real time at <https://waterdata.usgs.gov/nc/nwis/rt>.

3. Develop interpretive science products to disseminate data and scientific findings

- a. Produce a two-page fact sheet directed towards the general public that TAWSMP partners can use to communicate the goals and benefits of the project
- b. Publish a report summarizing the results from phases XIII and IX contaminant sampling (PFAS, 1,4-dioxane, bromide, and chromium)

PROJECT SCOPE

The study area for Phase IX includes portions of the Cape Fear River basin upstream from the confluence of the Haw and Deep Rivers (just below Jordan Lake) and the Neuse River basin upstream from Falls Lake (Figure 1). The sampling sites lie within Chatham, Durham, and Orange Counties and represent water-supply sources for Chatham County, Orange County, Orange Water and Sewer Authority, Hillsborough, Durham, Apex, Cary, and Morrisville. Sites are located in a large multipurpose reservoir (Jordan Lake), five upland water-supply reservoirs (West Fork Eno Reservoir, Little River Reservoir, Lake Michie, Cane Creek Reservoir, and University Lake), and selected tributaries.

Phase IX will extend from July 2022 through June 2027. Results will supplement data collected for previous phases of the TAWSMP (Garrett and others, 1994; Childress and Treece, 1996; Childress and Bathala, 1997; Giorgino and others, 2007; 2012; Pfeifle and others, 2014; 2016a; 2016b, Pfeifle and others, 2019; Pfeifle and others, 2021) and USGS/U.S. Army Corps of Engineers cooperative studies of inflows to Jordan and Falls Lakes (Garrett, 1990a; Garrett, 1990b). Project activities also complement the NCDEQ Ambient Monitoring System (accessed on January 3, 2022, at: <http://deq.nc.gov/about/divisions/water-resources/water-resources-data/water-sciences-home-page/ecosystems-branch/ambient-monitoring-system>).

Figure 1. Location of the Triangle Area Water Supply Monitoring Project study area and sampling sites in North Carolina. Numbers refer to their respective site IDs in Table 1.

RELEVANCE AND BENEFITS

This study advances knowledge of regional hydrology and water-quality in the Triangle area of North Carolina and benefits both the TAWSMP partners as well as the USGS.

Benefits to the TAWSMP partners and regional stakeholders: This study provides policy makers and water-resource managers with objective information essential for protecting drinking-water supplies in an area where growth is stressing availability, quality, and competition for these supplies. Water-quality and quantity information are collected by the USGS using robust sampling and QA/QC procedures to ensure data integrity. Partners can use this information to respond to public concerns about the safety of the region's water supplies and to anticipate potential risks to water quality and quantity. The study complements existing State and local water-quality monitoring activities in the region and will increase knowledge about the presence of bromide, 1,4-dioxane, PFAS, as well as conventional water-quality constituents in these watersheds. Partners can use project streamflow data to support decisions for implementing water-conservation measures. Streamflow information are also used by a wide range of regional stakeholders, including public citizens, academic researchers, the Upper Neuse and Upper Cape Fear River Basin Associations, and by the NCDEQ for developing water-supply allocations and TMDLs.

Benefits to the USGS: The USGS has used previous project data to analyze trends and loads, develop the USGS StreamStats application, and inform SPARROW models. Data from Phase IX could be used to support similar USGS efforts in the future. For example, the addition of PFAS monitoring to this phase supports activities included in the USGS PFAS Strategic Science

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Vision, which includes “...evaluation of the occurrence of PFAS, co-contaminants, water-quality parameters, and explanatory factors in water resources used for drinking water and (or) recreation” (Tokranov and others, 2021). Moreover, the proposed study addresses four Priority Actions outlined in the USGS Water Science Strategy (Evenson and others, 2013):

- Expand and enhance water-resource monitoring networks
- Clarify the linkage between human water use and the water cycle
- Conduct integrated watershed assessment, research, and modeling
- Deliver water data and analyses to the Nation

The project also supports numerous Strategic Actions identified for USGS Water Science (Evenson and others, 2013):

- Seek ways to expand the Nation’s understanding of hydrologic resources not only through its own monitoring networks but also through optimizing the use of hydrologic data collected by and through other public agencies
- Commit to long-term data collection at a core set of nationally important surface-water-quality sites that would constitute a national surface-water-quality observation network
- Working through USGS resources and in collaboration with others, expand USGS capabilities to assemble, integrate, and serve information that assists in the assessment of hydrologic data, with the intent of improving the ability to detect trends, draw comparisons between differing hydrologic settings, lessen uncertainty, and improve the description of hydrologic functions
- Provide resources such as observations, analyses of hydroclimatic processes, and analyses of vulnerabilities in water-supply systems that allow resource managers to develop preparedness and response plans
- Provide scientific expertise to assist water providers in making decisions regarding disaster/emergency declarations, water conservation, water transfers, alternative water supplies, and water conservation during extreme or prolonged water shortages
- Develop tools that provide an understanding of how water-quality degradation can affect water supplies and allow managers to detect and respond to emergencies involving water-quality degradation

APPROACH

Phase IX of the TAWSMP is proposed to extend for five years, from July 1, 2022 through June 30, 2027. Conventional water-quality and hydrologic monitoring from Phase VIII will continue, with monitoring of constituents of concern occurring at select sites and/or years. Project components are described below and are numbered to correspond to the specific objectives for Phase IX.

Objective 1. Characterize and report water quality monitoring results

Water-quality monitoring will include bi-monthly sampling at 13 stream and reservoir sites and opportunistic storm-event sampling at eight additional tributary sites (Figure 1, Table 1). Sampling frequency and constituents will vary among the types of sites.

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Bi-monthly Stream and Reservoir Monitoring: Thirteen sites will be sampled six times per year during February, April, June, August, October, and December by the USGS (Figure 1; Tables 1 and 2), including four stream sites and nine reservoir sites. Stream samples generally will be collected as depth- and width-integrated composites. If unusual conditions necessitate the use of alternate sampling methods, those methods will be fully documented. Stream sites will be sampled for physical properties, nutrients, major ions (including bromide), suspended sediment, and 1,4-dioxane (select sites; see Table 1) for five years, and PFAS for one year (Table 2). Specific constituents to be measured are listed in Table 3.

Nine reservoir sites will be sampled six times per year during February, April, June, August, October, and December (Table 2). Dissolved-oxygen concentration, pH, temperature, and specific conductance will be measured at 1-meter intervals throughout the water column. Turbidity, secchi depth, and the depth of one-percent surface light penetration also will be measured as indicators of water clarity. Grab samples from 1 meter below the water surface will be analyzed for alkalinity, major ions (including bromide), iron, manganese, and 1,4-dioxane for all years, and PFAS during water year 2024. Depth-integrated samples for nutrients and chlorophyll *a* will be collected within the euphotic zone (the zone of light penetration, estimated by doubling the secchi-disk depth). Photic-zone composite sampling is consistent with standard operating procedures used by the NCDEQ for lake or reservoir sampling and helps promote inter-agency data comparability. Additional grab samples will be collected from 1 meter above the reservoir bed for analysis of nutrients, iron, and manganese.

Stream Storm-Event Sampling: The USGS will collect up to 10 storm-event runoff samples each year among all project stream sites. Sampling locations will be selected from among the four bimonthly stream sites and eight additional stream sites (Table 1) and will vary among years. These additional sites also are sampled by the NCDEQ as part of the State’s Ambient Monitoring System. These data will be useful for understanding constituent concentrations and mass loading during high-flow conditions. Storm-event samples will be analyzed for the same properties and constituents that are analyzed for bi-monthly stream samples (Table 3).

Table 1. List of monitoring locations and activities supported by this proposal. [COC, contaminants of concern; USGS, U.S. Geological Survey; NC, North Carolina; USACE, U.S. Army Corps of Engineers; --, not applicable. Site locations are shown in Figure 1.]

Map number	USGS station number	USGS site name	Site type	Relevant water supply	Monitoring type			
					Streamflow ¹	Ambient/bi-monthly	Storm-event	COC sampling
1	0208480275	West Fork Eno Reservoir at Dam near Cedar Grove	Reservoir	West Fork Eno Reservoir, Eno River, Falls Lake	---	USGS	---	PFAS
2	0208524845	Little River Reservoir at Dam near Bahama	Reservoir	Little River Reservoir	---	USGS	---	PFAS
3	02086490	Lake Michie at Dam near Bahama	Reservoir	Lake Michie	---	USGS	---	PFAS
4	0209684980	Cane Creek Reservoir at Dam near White Cross	Reservoir	Cane Creek Reservoir	---	USGS	---	PFAS

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

5	020969999 9	Jordan Lake, Haw River Arm near Hanks Chapel	Reservoir	Jordan Lake	---	USGS	---	Bromide, 1,4-dioxane, PFAS
6	020974999 0	University Lake at intakes near Chapel Hill	Reservoir	University Lake	---	USGS	---	PFAS
7	020976831 0	Jordan Lake at Buoy 12 at Farrington	Reservoir	Jordan Lake	---	USGS	---	Bromide, 1,4-dioxane, PFAS
8	020979915 0	Jordan Lake above U.S. Highway 64 near Wilsonville	Reservoir	Jordan Lake	---	USGS	---	Bromide, 1,4-dioxane, PFAS
9	020980110 0	Jordan Lake at Bells Landing near Griffins Crossroad	Reservoir	Jordan Lake	---	USGS	---	Bromide, 1,4-dioxane, PFAS
10	02085000	Eno River at Hillsborough	Stream	Eno River, Falls Lake	USGS	USGS	USGS	PFAS
11	02096846	Cane Creek near Orange Grove	Stream	Cane Creek Reservoir	USGS	USGS	USGS	PFAS
12	02097464	Morgan Creek near White Cross	Stream	Jordan Lake	USGS	USGS	USGS	PFAS
13	020978260 9	White Oak Creek at mouth near Green Level	Stream	Jordan Lake	USGS	USGS	USGS	Bromide, 1,4-dioxane, PFAS
14	02085070	Eno River near Durham	Stream	Eno River, Falls Lake	USGS	(NCDEQ)	USGS	PFAS
15	020852132 4	Little River at SR 1461 near Orange Factory	Stream	Little River Reservoir	USGS	(NCDEQ)	USGS	PFAS
16	02085500	Flat River at Bahama	Stream	Lake Michie	USGS	(NCDEQ)	USGS	PFAS
17	02096960	Haw River near Bynum	Stream	Jordan Lake	(USACE)	(NCDEQ)	USGS	Bromide, 1,4-dioxane, PFAS
18	02097314	New Hope Creek near Blands	Stream	Jordan Lake	USGS	(NCDEQ)	USGS	Bromide, 1,4-dioxane, PFAS
19	020974195 5	Northeast Creek at SR 1100 near Genlee	Stream	Jordan Lake	USGS	(NCDEQ)	USGS	PFAS
20	02097517	Morgan Creek near Chapel Hill, NC	Stream	Jordan Lake	USGS	(NCDEQ) ²	USGS	Bromide, 1,4-dioxane, PFAS
21	02098198	Haw River below B. Everett Jordan Dam near Moncure	Stream	Jordan Lake	(USACE)	(NCDEQ)	USGS ³	Bromide, 1,4-dioxane, PFAS

¹ Gage funded through separate agreement with agency shown in parentheses

² NCDEQ conducts ambient monitoring at a downstream location (Morgan Creek near Farrington)

³ Streamflow from a nearby gage, USGS site number 02098206 (Haw River near Moncure, NC)

Table 2. Annual sampling schedule, by site category, for sites sampled by the U.S. Geological Survey. [X, sampling is conducted at all stream or reservoir sites during this month.]

Type of Sampling	Month											
	J	F	M	A	M	J	J	A	S	O	N	D
4 STREAM SITES (BIMONTHLY)												
Physical properties (temperature, dissolved oxygen, pH, specific conductance, and turbidity), nutrients, major ions, suspended sediment, 1,4-dioxane, PFAS ¹		X		X		X		X		X		X

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

8 STREAM SITES (STORM RUNOFF ONLY)										
Physical properties, nutrients, major ions, suspended sediment, 1,4-dioxane, PFAS ¹	Maximum of 10 samples per year distributed among all stream sites during periods of runoff and (or) high flow									
9 RESERVOIR SITES (BIMONTHLY)										
Vertical profiles of physical properties; water clarity (secchi depth)		X		X		X		X		X
Near-surface: alkalinity, major ions, iron, manganese, 1,4-dioxane, PFAS ¹		X		X		X		X		X
Photic-zone vertical-composite: nutrients and chlorophyll <i>a</i>		X		X		X		X		X
Near-bottom: nutrients, iron, manganese		X		X		X		X		X

¹PFAS sampling will occur during water year 2024 only

Sampling for bromide and 1,4-dioxane: Prior sampling during Phase VIII indicated 1,4-dioxane concentrations were present at or above reporting levels (decreased from 0.35 to 0.20 µg/L on May 19, 2019) at only six sites in the TAWSMP project area: Jordan Lake Haw River Arm near Hanks Chapel, Jordan Lake at Buoy 12 at Farrington, Jordan Lake at Bells Landing near Griffins Crossroad, Jordan Lake above U.S. Highway 64 near Wilsonville, Haw River below B. Everett Jordan Dam near Moncure, and Haw River near Bynum. Similarly, bromide was found to be above a threshold of 0.05 mg/L at only eight sites (the six listed above, as well as New Hope Creek near Blands and White Oak Creek at mouth near Green Level). Sampling for these contaminants of concern will continue during Phase IX at these sites (Table 1) to further quantify levels of bromide and 1,4-dioxane.

Sampling for PFAS: Water samples for analysis of PFAS will be collected during water year 2024 (October 1, 2023 to September 30, 2024). All bi-monthly sites will be sampled for PFAS, and runoff samples will also be analyzed whenever feasible. EPA has established protocols for collecting environmental samples for PFAS analysis in surface water

(<https://www.epa.gov/pfas/epa-pfas-drinking-water-laboratory-methods>). The USGS is also developing field protocols for environmental sampling of PFAS (Tokranov and others, 2021). Both resources will be leveraged to establish appropriate sampling protocols, which will also include the collection of additional samples for QA/QC purposes.

Table 3. Water-quality properties, constituents, and analyzing laboratories. [NWIS, National Water Information System; CAS, Chemical Abstracts Service; --, not applicable; °C, degrees Celsius; USGS, U.S. Geological Survey; SAWSC, South Atlantic Water Science Center; NWQL, National Water Quality Laboratory; mg/L, milligrams per liter; µS/cm, microsiemens per centimeter; s.u., standard units; NTRU, nephelometric turbidity units; m, meters; µg/L, micrograms per liter; tbd, to be determined.]

Constituent	NWIS codes		CAS number	Detection level (2022)	Reporting level (2022)	Unit	Analyzing entity
	Parameter	Method					
FIELD AND PHYSICAL PROPERTIES							
Water temperature	10	THM01	--	--	0.1	°C	USGS SAWSC (in-field readings)
Dissolved oxygen	300	LUMIN	--	--	0.1	mg/L	
Specific conductance at 25 °C	95	SC001	--	--	1	µS/cm	

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

pH	400	PROBE	--	--	0.1	pH	
Acid neutralizing capacity	419	TT065	471-34-1	--	5	mg/L	
Turbidity	63676	TS196	--	--	0.1	NTRU	
Secchi depth (reservoirs)	78	SECCH	--	--	0.1	m	
Depth to 1 percent incident light (reservoirs)	85328	--	--	--	0.1	m	
Suspended sediment (streams)	80154	various	--	--	1	mg/L	USGS Kentucky Sediment Lab
NUTRIENTS AND CHLOROPHYLL							
Nitrogen, ammonia	608	SHC02	7664-41-7	0.02	0.04	mg/L	USGS NWQL
Nitrogen, ammonia + organic	625	KJ008	17778-88-0	0.07	0.14	mg/L	
Nitrogen, nitrite + nitrate	631	RED02	--	0.01	0.02	mg/L	
Phosphorus, orthophosphate	671	PHM01	14265-44-2	0.004	0.008	mg/L	
Phosphorus, total	665	CL021	7723-14-0	0.003	0.006	mg/L	
Chlorophyll a (reservoirs)	70953	FL016	479-61-8	--	0.1	mg/L	USGS NWQL
Pheophytin a (reservoirs)	62360	FL016	603-17-8	--	0.1	mg/L	
MAJOR IONS							
Bromide	71870	IC027	24959-67-9	0.01	0.02	mg/L	USGS NWQL
Calcium	915	PLA11	7440-70-2	0.02	0.04	mg/L	
Chloride	940	IC022	16887-00-6	0.02	0.04	mg/L	
Fluoride	950	IC003	16984-48-8	0.01	0.02	mg/L	
Magnesium	925	PLA11	7439-95-4	0.01	0.02	mg/L	
Potassium	935	PLO03	7440-09-7	0.3	0.6	mg/L	
Silica	955	PLA11	7631-86-9	0.05	0.1	mg/L	
Sodium	930	PLA11	7440-23-5	0.4	0.8	mg/L	
Sulfate	945	IC022	14808-79-8	0.02	0.04	mg/L	
METALS							
Iron (reservoirs)	1045	PLO07	7439-89-6	5	10	mg/L	USGS NWQL
Manganese (reservoirs)	1055	PLO07	7439-96-5	0.2	0.4	mg/L	
ORGANIC COMPOUNDS							
Organic carbon, total	680	COMB9	--	0.7	1.4	mg/L	USGS NWQL
1,4-Dioxane	81582	GM016	123-91-1	0.1	0.2	mg/L	USGS NWQL
PFAS	tbd	tbd	tbd	tbd	tbd	ng/L	tbd

Participating Laboratories: The USGS National Water Quality Laboratory (NWQL) in Denver, Colorado, will be used to analyze nutrients, chlorophyll, major ions, metals, and most organic compounds (total organic carbon and 1,4-dioxane; Table 3). Suspended sediment samples will be analyzed by the USGS Kentucky Sediment Laboratory in Louisville, Kentucky. PFAS will be analyzed either by NWQL or by a contract lab. Lab selection will be based on alignment with EPA's preferred analysis method (either method 537.1, "Determination of Selected Per- and

Polyfluorinated Alkyl Substances in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS”, or method 533, “Determination of Per- and Polyfluoroalkyl Substances in Drinking Water by Isotope Dilution Anion Exchange Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry”), as well as optimized coverage for the analysis of PFAS contaminants listed on EPA’s Fifth Unregulated Contaminant Monitoring Rule (<https://www.epa.gov/dwucmr/fifth-unregulated-contaminant-monitoring-rule>).

Objective 2. Characterize regional surface water availability

Streamflow information collected through this project is essential for determining water availability and for characterizing water-quality conditions. Cooperators rely on streamflow data to guide short-term decisions about water-plant operations and implementation of water-conservation measures, as well as for long-term water-supply planning. The USGS previously has used project streamflow data to support analysis of water-quality trends and transport of nutrients and sediment to reservoirs in the study area. The USGS also uses the real-time streamflow data to target storm-event sampling.

The USGS will operate and maintain continuous-record streamflow gaging stations at 10 sites as part of this project (Table 1). Two additional gages on the Haw River currently are funded through separate agreements with the U.S. Army Corps of Engineers (Table 1). The USGS SAWSC Raleigh Field Office will be responsible for operation and maintenance of the project gages, and for processing, quality-assuring, and approving the continuous streamflow data in accordance with USGS policies.

Stage and streamflow data will be collected, processed, and analyzed following procedures in the Quality-Assurance Plan for Surface-Water Activities of the North Carolina District (USGS, 2010b), “Measurement and Computation of Streamflow,” (Rantz and others, 1982), and “Discharge Measurements at Gaging Stations” (Turnipseed and Sauer, 2010). Current (real-time) and historical data for project streamgaging sites are available from the NWIS, at: <http://waterdata.usgs.gov/nc/nwis/>.

Task 3. Develop interpretative science products to disseminate findings

An in-depth analysis of contaminants of emerging concern will be conducted this Phase to better understand the occurrence and distribution of bromide, 1,4-dioxane, PFAS, and chromium. This analysis will use water-quality information collected during Phase VIII (2017-2022) and the first three years of Phase IX sampling, which will include seven years of bromide and 1,4-dioxane sampling (water years 2017-2024); three years of chromium sampling (water years 2017-2019); and one year of PFAS sampling (water year 2024). If warranted, additional water-quality information and streamflow data collected by this project or external organizations (e.g., partners, NCDEQ) may be used in the analysis to better understand spatial and temporal patterns of these constituents, identification of potential sources, and or/fate and transport mechanisms, and therefore would be reported as well. The results from this analysis will be published in a USGS Scientific Investigations Report (SIR) or equivalent report (with accompanying data

release) and presented at local and/or regional water supply or water-quality monitoring conferences.

To better inform the public of the benefits of this project, the USGS will also prepare and publish an informational Fact Sheet about the TAWSMP that targets a non-scientific audience. The Fact Sheet will describe the project history, objectives, data-collection network, partnering agencies, water-quality concerns, and directions for obtaining USGS data and reports related to the project.

QUALITY ASSURANCE/QUALITY CONTROL

All water-quality activities will be conducted in accordance with established quality-assurance and quality-control (QA/QC) policies and procedures. Water-resource activities of the USGS SAWSC are supported by a series of quality-assurance policy statements and guidelines that describe responsibilities for specific functional elements, including project planning and implementation, equipment calibration and maintenance, data collection and processing, data management and storage, data analysis and interpretation, synthesis, reports preparation and processing, and training. Sample collection and processing will follow procedures outlined in the USGS National Field Manual for the Collection of Water-Quality Data (U. S. Geological Survey, variously dated). A variety of field and equipment blanks and replicate samples will be collected to document potential bias and variability in data that may result during the collection, processing, shipping, and handling of environmental samples. Similar to Phase VIII, a quality-control (QC) sampling schedule will be prepared annually, and will include, at a minimum:

- 2 Raleigh office deionized water blanks (nutrients, ions, metals)
- 1 Reservoir-sampling equipment blank (nutrients, ions, metals, organic compounds)
- 1 Stream-sampling equipment blank (suspended sediment, nutrients, ions, metals, organic compounds)
- 3 Field blanks (suspended sediment, nutrients, chlorophyll *a*, ions, metals, organic compounds)
- 3 Sampling-vehicle (atmospheric) blanks (nutrients, ions, metals, organic compounds)
- 6 Replicate samples (alkalinity, turbidity, suspended sediment, nutrients, chlorophyll *a*, ions, metals, organic compounds)

The USGS South Atlantic Water Science Center (SAWSC) will maintain annual accreditation by the NCDEQ for the collection of field water-quality parameters. Accreditation is based on acceptable analysis of performance testing samples that are obtained from a third-party vendor. The NCDEQ also conducts periodic audits of the SAWSC-Raleigh laboratory.

The NWQL will maintain accreditation by the National Environmental Laboratory Accreditation Program and the NCDEQ. The NWQL adheres to a comprehensive Quality Management System to ensure the quality of its work processes, products, and services (Stevenson, 2013). In addition, analytical performance at the NWQL is continually and independently tracked through the USGS Branch of Quality Systems (BQS) Blind Sample Programs. The project chief will routinely examine BQS control charts and other laboratory QC data, in addition to results for project quality-control samples. NWQL will also maintain accreditation through the NCDEQ annual chlorophyll-*a* round robin, which generally occurs during July.

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Project personnel will review all analytical results. Requests for re-analysis or verification will be made to the respective laboratories when results are in question. USGS data will be entered into the NWIS. Data stored in NWIS also pass through automated quality-control checks of data consistency and are available to members of the TAWSMP Steering Committee and the public online at: <http://waterdata.usgs.gov/nc/nwis/nwis>.

SCIENTIFIC PRODUCTS AND DELIVERABLES

All streamflow and water-quality data collected and analyzed by the USGS during phase IX will be reviewed, approved, and made accessible online through the [NWIS](#). USGS policies for data processing and documentation, technical review, management, and archival will be followed, under the direction of the project chief and with support from the USGS SAWSC Science Quality Assurance Branch and the Assistant Director for Hydrologic Studies in North Carolina. Water-quality environmental and quality assurance analytical results will be also shared annually through a USGS Data Release and through presentations to the Steering committee once data have been approved. A concise, informational Fact Sheet about the project will be prepared for the dissemination to, and by, the TAWSMP partners during 2023. A Scientific Investigations Report (SIR) or equivalent report (and accompanying data release) will be written to summarize the results from the Phase VIII and the first three years of phase IX sampling of contaminants of concern: bromide, 1,4-dioxane, PFAS, and chromium (discontinued in phase VIII). This report will investigate the occurrence and distribution of these contaminants of concern, as well as potential sources and/or fate and transport. Additional water-quality information and streamflow data may be used in the analysis and therefore reported as well. Reports produced by the USGS are peer-reviewed and follow USGS fundamental science practices.

The USGS will provide quarterly summaries of project activities via email to the TAWSMP Steering Committee. In addition, the USGS will present a summary of activities and progress at annual meetings of the Steering Committee and will present findings at conferences and stakeholder meetings throughout the course of the project. The USGS will share information on project sites, activities and studies through various social media outlets and will maintain a web page for the Triangle Area Water Supply Monitoring Project (found here: <https://www.usgs.gov/centers/sawsc/science/triangle-area-nc-water-supply-monitoring>), and will assist TJCOG in their maintenance of their TAWSMP website (e.g., provide content for posting).

TIMELINE

Phase IX of the project is proposed to begin in July 2022 and to be completed in five years (Table 4). Operation of the streamgaging and water-quality data-collection networks and maintenance of the project web pages will continue throughout the duration of Phase IX. Hydrologic and water-quality data collected by the USGS will be reviewed, quality-assured, and published in the USGS National Water Information System on a continuous basis. The USGS will present a summary of project activities to the Steering Committee each year. The USGS will prepare a report summarizing contaminant monitoring, as well as a project Fact Sheet.

Table 4. Proposed timeline for Phase IX of the Triangle Area Water Supply Monitoring Project, July 2022 through June 2027. [Shading indicates work element is active during that quarter.]

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

Work element	Federal Fiscal Year and Quarter beginning July 2022																			
	2023				2024				2025				2026				2027			
	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3
Operate streamgaging network																				
Operate water-quality network, including bimonthly and storm-runoff sampling																				
Review and publish streamflow and water-quality data in USGS NWIS																				
Conduct PFAS sampling																				
Conduct analysis and publish contaminant SIR																				
Prepare and publish project fact sheet																				
Maintain project web page																				
Provide quarterly updates to Steering Committee																				
Update data release with annual QAQC and environmental data; present results to TAWSMP																				
Present Phase IX summary and plan next phase																				

PERSONNEL

A senior-level hydrologist will serve as project chief to manage the project, report to the Steering Committee, provide data interpretations, make presentations, and lead report preparation. Hydrologic technicians in the SAWSC Hydrologic Studies section will conduct water-quality data collection, review, and records management. Hydrologic technicians in the SAWSC Data Section will maintain and operate the project continuous streamflow gages and be responsible for all data-quality checks, under the direction of a supervisory hydrologist. Additional water-quality hydrologists and(or) technicians will assist with data quality assurance and report preparation activities. IT staff will provide database support and assistance with web page maintenance/development. USGS publications staff will provide editorial and technical support for report production.

BUDGET SUMMARY

Funding needed to achieve the project objectives totals \$3,332,000 for the five-year period from July 2022 through July 2027 (Table 5). Funding needs vary among years, but the cooperators will be billed quarterly at a fixed amount of \$ 103,290, for a total of \$ 2,065,800. Funding

TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

provided by the TAWSMP Steering Committee will be partially matched by the USGS, subject to the availability of cooperative matching funds, for a total of \$ 1,266,2000. Expenses for operating the water-quality and streamgaging networks and producing reports include labor, equipment, supplies, transportation, training, laboratory analyses, and sample shipping. The USGS will maintain ownership of equipment used in the operation and maintenance of these networks.

Table 5. Proposed funding for Phase IX of the Triangle Area Water Supply Monitoring Project by Federal fiscal year (October-September). [TAWSMP, Triangle Area Water Supply Monitoring Project; USGS, U.S. Geological Survey]

Funding Source	Federal fiscal year						TOTAL
	2022 (July-Sept)	2023	2024	2025	2026	2027 (Oct-June)	
USGS share (38%)	\$40,400	\$233,10 0	\$257,10 0	\$246,00 0	\$281,40 0	\$208,200	\$1,266,200
Partner share (62%)	\$65,900	\$380,20 0	\$419,60 0	\$401,40 0	\$459,10 0	\$339,600	\$2,065,800
Total	\$106,300	\$613,30 0	\$676,70 0	\$647,40 0	\$740,50 0	\$547,800	\$3,332,000

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TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

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TRIANGLE AREA WATER SUPPLY MONITORING PROJECT
INTERLOCAL AGREEMENT

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 10, 2022

Item Details

Presenter(s): Michael S. Deaton, PE, Director

Department(s): Water Resources

Requested Motion

Motion to approve an agreement with Itron and to authorize the Town Manager to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

Town Council action is required to approve this Agreement because the Contractor (Itron) did not delete the indemnity language as requested by the Town's Legal Department.

Field Deployment Manager (FDM) software is required to obtain water and electric meter reads and receive meter data such as consumption and meter health. Itron recently upgraded their FDM software. The existing software is no longer supported so many of the FDM functions will be unavailable without the upgrade. The Agreement is required in order to obtain the upgraded software and support. The total fee for this service is \$2,024.

Attachments

- Cover Sheet
- Itron FDM Tools and Field Tools Solution Agreement
- Itron Quote



CONTRACT ROUTING CONTROL SHEET

Routing Order: (1) Department Director, (2) Purchasing and Contract Manager (3) Legal,
(4) Risk Manager, (5) Vendor for Signature (6) Finance Director, (7) Town Clerk, (8) Town Council/Town Manager

EVERY SECTION MUST BE COMPLETED

DEPARTMENT:
Department Contact Person for Contract: <u>Michael Mote</u> Extension: <u>919-372-7512</u> Contractor/Vendor Name and address: <u>Itron 2111 N Molter Road, Liberty Lake, WA 99019</u> Contractor/Vendor Phone: <u>Contractor/Vendor Contact Person: Tracy Wright 865-356-3546</u> Purpose of Contract: <u>FDM Software Upgrade and annual support to assist with meter services.</u> Amount: <u>\$2,024</u> Budget Code: <u>32-8010 44509 & 30-8300 44509</u> Type of Contract: <input checked="" type="checkbox"/> New <input type="checkbox"/> Renew <input type="checkbox"/> Amendment Exhibits/Attachments included: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Department Director's Signature: _____ Date: _____ <i>All Contracts should be sent to the Purchasing and Contract Manager (Steve Maynard). Steve will determine whether the contract will need to go to the Legal Department for review or not.</i>
LEGAL
Reviewed by: _____ Date: _____ Comments: _____ <input type="checkbox"/> Town Council approval required <input type="checkbox"/> Town Manager authorized to approve <input type="checkbox"/> N/A – Purchasing and Contract Manager to forward <input type="checkbox"/> Other Approvals required/permitted:
RISK MANAGER
Reviewed by and approved: _____ Date: _____ <input type="checkbox"/> N/A – Purchasing and Contract Manager to forward <input type="checkbox"/> Insurance specifications meet requirements. <input type="checkbox"/> Insurance specifications have been revised. <input type="checkbox"/> A pre-project safety review between the contractor and contracting department is required. <i>Return to Department Contact Person to have contract signed by Contractor prior to forwarding to Finance Director Obtain a copy of Certificate of Insurance that includes the proper coverage and shows the Town as an additional insured</i>
FINANCE DIRECTOR
<input type="checkbox"/> Sufficient funds are available in the proper category to pay for this expenditure. <input type="checkbox"/> This contract is conditioned upon appropriation by the Town Council of sufficient funds. <input type="checkbox"/> A budget amendment is necessary before this agreement is approved. <input type="checkbox"/> A budget amendment is attached as required for approval of this agreement. Finance Director: _____ Date: ____/____/20__
TOWN CLERK
Date Received: ____/____/20__ Signed by Contractor: <input type="checkbox"/> YES <input type="checkbox"/> NO--Return to Department Council Action Required:– forward to Town Manager Agenda Date: ____/____/20__ Approved by Council: <input type="checkbox"/> YES <input type="checkbox"/> NO
TOWN MANAGER
This document has been reviewed and approval is recommended by the Town Manager: <input type="checkbox"/> YES <input type="checkbox"/> NO Town Manager: _____ Date: ____/____/20__
After approval and signatures, contract will be sent to the Purchasing and Contracts Manager who will return it to the Department Contact Person for Department to administer. Scan signed contract to Department contracts folder (include Routing Sheet and copy of Certificate of Insurance)

FDM Tools and Field Tools Solution Agreement

**FDM TOOLS AND FIELD TOOLS SOLUTION AGREEMENT**

THIS FDM TOOLS AND FIELD TOOLS SOLUTION AGREEMENT (THIS “AGREEMENT”) GOVERNS YOUR USE OF AND ACCESS TO THE SERVICES, AS DEFINED IN THE DEFINITIONS SECTION BELOW, THAT ARE PROVIDED BY ITRON, INC. OR ANY OF ITS SUBSIDIARIES (EACH “ITRON”).

This Agreement is made by and between Itron, Inc. (“Itron”), and entity organized under the laws of Washington having an address at 2111 N. Molter Road, Liberty Lake, WA 99019 and *Town of Apex*, an entity organized under the laws of North Carolina, having an address at 73 Hunter Street, Apex, NC 27502 (“Customer”) and is effective as of the date of the last signature (the “Effective Date”).

1. Definitions.

Affiliate means any legal entity that directly or indirectly controls, is controlled by, or is under common control with, a Party to this Agreement, where "control" means ownership of at least fifty (50) percent of the equity having the power to vote on or direct the affairs of the entity.

Annual Adjustment means Itron’s annual price increase.

Billing Cycle means a period of one year beginning on the Effective Date or any anniversary thereof.

Claim means an unaffiliated third-party claim, action, cause of action, or demand for damages, cost, or expense (including reasonable attorney’s fees) or other relief.

Client Services Guidelines Documents means the following documents as they may be updated by Itron from time to time: “Product Contact Information Sheet”, “After Hours Support”, and “Working Effectively with Itron Global Services”. Copies of the Client Services Guidelines Documents may be obtained by calling (877) 487-6602 or such other number or process provided by Itron to Customer.

Confidential Information means any confidential, trade secret or other proprietary information disclosed by a Party or a Party’s Affiliate related to its business that is designated as “confidential” or which a

reasonable person knows or should understand to be confidential, regardless of the form of disclosure and whether of a technical, business or financial nature, including but not limited to processes and methods, product design and details of operation, product plans, prototypes, schedules, results, reports, computer programs, databases, compilations of data, engineering activity, manufacturing activity, analytical methods, strategies, and the like, but excluding information that: (i) is now or becomes generally available to the public through no fault or breach of the receiving Party; (ii) is rightfully in the receiving Party's possession, or known by it, prior to its receipt from the disclosing Party; (iii) is rightfully disclosed to the receiving Party by a third-party, free of any obligation of confidentiality; (iv) is developed by the receiving Party independently and without reference to the disclosing Party's Confidential Information, or (v) is rightfully disclosed pursuant to the applicable laws or regulations, or rules of any stock exchange, or orders of the court or other government authorities with notice to the disclosing Party. Confidential Information shall not include "public records" as defined by Chapter 132 of the North Carolina General Statutes.

Covered Product means Software.

Customer means you or, if you are accepting on behalf of your employer or another entity, such employer or entity.

Customer Data means all data about Customer's existing or prospective end users that Itron acquires, develops, or derives in connection with performance under this Agreement. Such customer data may include, without limitation, any personally identifying information relating to a Customer's existing or prospective end user, or any other information that, either individually or when combined with other information could be used to identify a particular Customer end user or a prospective Customer end user, which information is not generally available to the public.

Defended Party means a Party entitled to defense and indemnification from the other Party under Section 11 ("Third-Party Claims") of this Agreement.

Defending Party means a Party obligated to provide defense and indemnification to the other Party under Section 11 ("Third Party Claims") of this Agreement.

Documentation means user manuals, training materials, product descriptions and specifications, technical manuals, supporting materials and other information relating to Services or Software provided by Itron, which Itron customarily makes available to its customers.

Endpoint means an electric meter, gas or water endpoint receiver-transmitter, battery-powered device, or any other device which Customer will configure and/or manage as part of a Service Offering.

Error means a material failure of Software to comply with applicable published Itron specifications.

Fees means all amounts payable to Itron by Customer for Services provided under this Agreement, as set forth in a Quote or, if no Quote, Itron's then-current list price at the time of Purchase Order acceptance by Itron.

Fix means a correction or workaround for an Error.

Global Support Services means those support services provided by Itron technical representatives via telephone, email, website or other means to assist Customer's Primary Service Contacts with questions or issues related to the operation of Covered Products.

Improvement means an update, modification, enhancement and/or extension to Software functionality that is included in a Release.

Intellectual Property and **Intellectual Property Rights** mean all industrial and intellectual property, including, without limitation, patents, patent applications, invention registrations, and all other rights in inventions, copyrights in published and unpublished works, whether registered or unregistered, know-how, trade secrets, and confidential and proprietary information, whether such intellectual property has been created, applied for or obtained anywhere throughout the world.

M&S Commencement Date means the date upon and after which a Covered Product will be entitled to receive Maintenance Services purchased by Customer, which unless otherwise specified in a Quote provided by Itron, will be the Service Offering Commencement Date.

Maintenance Services means maintenance and support services described in Section 8 ("Maintenance Services") of this Agreement.

Mobile Device Software means Itron's FDM Tools or Field Tools mobile application for FDM Tools or Field Tools, as applicable.

One-Time Setup Fee means the one-time setup fee(s) for each Service Offering (if any) identified in the applicable Quote or, if no Quote, Itron's then-current list price at the time of Purchase Order acceptance by Itron.

Operating Condition means performance in accordance with applicable published Itron specifications.

Party means Customer or Itron and **Parties** means Customer and Itron.

Primary Services Contacts means Customer's primary support staff who provides internal support to Customer's operations personnel and who are key interface to Itron for all Maintenance Services.

Quote means a valid quote for Services provided to Customer by Itron.

Release means a collection of Fixes and/or Improvements made available by Itron to Customer.

Service Offering means the FDM Tools or Field Tools software-as-a-service offering identified on the applicable Purchase Order whereby Itron or its designated provider hosts and provides Customer with access to SaaS Software on Servers via the internet.

SaaS Software means the Itron proprietary data collection and management computer program(s) for the Service Offering(s) purchased by Customer.

Servers means the physical computer hardware owned by Itron or its designated provider on which SaaS

Software will be installed, operated, and maintained by or on behalf of Itron.

Service Offering Commencement Date means, with respect to each Service Offering, the date Itron makes access credentials for the Service Offering available to Customer.

Service Levels means the defined level of impact and associated response time, effort level, and escalation path procedures and guidelines described in Attachment A to this Agreement.

Services mean the Service Offering(s) and Maintenance Services.

Software means Mobile Device Software and SaaS Software.

Subscription Fees means annual fees identified in the applicable Quote or, if no Quote, Itron's then-current list price at the time of Purchase Order acceptance by Itron, for each Service Offering, plus the Annual Adjustment, if any.

Subscription Term means the subscription term purchased by Customer for each Service Offering, which begins upon the applicable Service Offering Commencement Date.

Territory means the country in which Itron provides Services to Customer.

2. Purchase Order Requirement. Customer shall purchase Services by issuing a purchase order or similar ordering document accepted by Itron ("Purchase Order") indicating specific Services, Itron part numbers, quantity, unit price, total purchase price, shipping instructions, requested shipping dates, bill-to and ship-to addresses, tax exempt certifications, if applicable, and contract reference. No contingency contained on any Purchase Order shall be binding upon Itron. The terms of this Agreement shall apply, regardless of any additional or conflicting terms of any Purchase Order or other correspondence or documentation submitted by Customer to Itron, and any such additional or conflicting terms are deemed rejected by Itron.

3. Term. The initial term of this Agreement begins on the Effective Date and expires one (1) year following the Effective Date. Prior to the expiration of the Subscription for the Mobile Device Software, the Parties will sign an amendment that extends the Subscription for the Mobile Device Software for one (1) year. Any accepted Purchase Orders as of the expiration date of this Agreement shall be completed by the Parties and the term of this Agreement will be extended solely for that purpose until completion. This Section is subject to Section 14 ("Termination") of this Agreement.

4. Fees, Invoicing, Taxes and Payment

4.1. . Fees. Itron offers a basic Service Offering and a premium Service Offering under this Agreement. The basic Service Offering is provided free of charge and the premium Service Offering is provided at the initial fees set forth in Quote or, if no Quote, Itron's then-current list price at the time of Purchase Order acceptance by Itron. Fees for Software Maintenance Services are included in the Subscription Fee, if any, for the applicable Service Offering. Itron reserves the right to add, remove and/or change features within a Service Offering at Itron's sole discretion and will notify Customer of such changes at least sixty (60) days in advance of implementing such changes within Service Offering.

4.2. Invoicing. Customer shall pay Subscription Fees (if any) in advance for each Billing Cycle for which it has purchased a Service Offering. Itron will invoice Customer for the One-Time Setup Fee and initial Subscription Fees for each Service Offering upon the Service Offering Commencement Date. Initial Subscription Fees shall be prorated based on the number of months remaining in the current Billing Cycle following the Service Offering Commencement Date. Itron may discontinue a Service Offering by providing Customer with written notice of discontinuance no less than 180 days prior to the commencement of a Billing Cycle. Otherwise, Itron will provide Customer with a renewal notice for the Service Offering at least 120 days prior to the commencement of each Billing Cycle. Customer may discontinue a Service Offering by providing Itron with written notice of non-renewal no less than 90 days prior to the commencement of a Billing Cycle. Otherwise, approximately 20 days prior to the commencement of each Billing Cycle, Itron will provide Customer with an invoice for Subscription Fees payable by Customer for the forthcoming Billing Cycle.

4.3. Payment. Customer shall pay the Itron entity designated in the applicable invoice. Unless otherwise specified in the applicable invoice, Customer shall pay such Itron entity in USD. Customer must pay each invoice within thirty (30) days of the invoice issuance date. Payment must be made by electronic transfer to a bank account designated by Itron.

4.4. Invoice Disputes. Customer shall notify Itron in writing of any dispute with any invoice (along with substantiating documentation and a reasonably detailed description of the dispute) within ten (10) days from the original invoice date. Invoices for which no such timely notification is received shall be deemed accepted by Customer as true and correct, and Customer shall pay all amounts due under such invoices within the period set forth in Section 4.3. The Parties shall seek to resolve all such disputes expeditiously and in good faith in accordance with the dispute resolution provisions set forth in Section 17 ("Disputes"). Notwithstanding anything to the contrary, each Party shall continue performing its obligations under this Agreement during any such dispute, including, without limitation, payment by Customer of all undisputed amounts due and payable under this Agreement.

4.5. Late Payment. Except for invoiced payments that Customer has timely disputed, all late payments

shall bear interest at the lesser of the rate of one percent (1%) per month or the highest rate permissible under applicable law, calculated daily and compounded monthly. Customer shall also reimburse Itron for all reasonable costs incurred in collecting any late payments, including, without limitation, attorneys' fees. In addition to all other remedies available under this Agreement or at law (which Itron does not waive by the exercise of any rights hereunder), Itron shall be entitled to suspend the provision of any Services if Customer fails to pay any undisputed amounts when due hereunder and such failure continues for fifteen (15) days following written notice thereof.

4.6. No Setoff. Customer shall not withhold payment of any amounts due and payable under this Agreement by reason of any setoff of any claim or dispute with Itron, whether relating to Itron's breach, bankruptcy, or otherwise.

4.7. Taxes. All prices are exclusive of any taxes, however designated, including without limitation value added, sales and withholding taxes which are levied or based upon the prices, charges or upon this Agreement. Customer shall pay any taxes related to products and services provided pursuant to this Agreement (except for taxes based on Itron's net income) or shall present an exception certificate acceptable to all relevant taxing authorities. Applicable taxes shall, to the extent practical, be billed as a separate item on the invoice. The Parties agree to fully cooperate with one another regarding taxes and any related issues arising from this Agreement. Customer shall indemnify and hold Itron harmless from any tax liability assessed against Itron but rightfully owed by Customer arising from or related to transactions set forth herein .

5. Documentation. Subject to Customer's compliance with this Agreement, including payment of all applicable Fees, Itron hereby grants to Customer a non-exclusive, non-transferable, non-assignable, limited right to access and use the Documentation with the Services for its internal business purposes in the Territory. Itron will make its standard Documentation available via download. Itron will provide Customer with download instructions.

6. Service Offerings

6.1. Access Rights and Restrictions.

6.1.1. Access Rights. Subject to Customer's compliance with this Agreement, including payment of all applicable Fees (if any), Itron hereby grants to Customer, for the Subscription Term(s) purchased, a non-exclusive, non-transferable, non-assignable, limited right to access and use the Service Offering(s) for its internal business purposes in the Territory.

6.1.2. Restrictions on Use. Customer and its authorized users may not: (a) modify, translate or create derivative works of any Service Offering or related Documentation; (b) copy, reproduce, distribute, republish, download, display, post or transmit any portion of a Service Offering or related Documentation in any form or by any means; (c) sell, assign, transfer, lease or sublicense any Service Offering; (d) allow any third party, other than authorized users, to access any Service Offering or related Documentation without Itron's consent; (e) use any Service Offering or related

Documentation to provide services to third parties, or otherwise use any Service Offering on a “service bureau” or “timesharing” or subscription basis; (f) reverse engineer, disassemble, decrypt, extract or otherwise reduce any Service Offering to a human perceivable form or otherwise attempt to determine the source code or algorithms of any Service Offering (except to the extent the foregoing restriction is expressly prohibited by applicable law); (g) infringe any of Itron’s or its providers’ Intellectual Property Rights; (h) publicly publish the results of any benchmark tests run on any Service Offering; (i) use any Service Offering or related Documentation to engage in any fraudulent, illegal or unauthorized act; (j) introduce into or transmit through any Service Offering any material containing software viruses, worms, trap doors, back doors, Trojan horses or other harmful or malicious computer code, files, scripts, agents or programs; (k) remove, alter or obscure any titles, product logo or brand name, trademarks, copyright notices, proprietary notices or other indications of Itron’s or its providers’ Intellectual Property Rights, whether such notice or indications are affixed on, contained in or otherwise connected to a Service Offering; (l) attempt to gain unauthorized access to a Service Offering or Itron’s or its providers’ systems or networks; (m) merge any Service Offering with any other product or service without Itron’s prior written consent and the payment of any additional fees; or (n) access or use any Service Offering or related Documentation to build or support, and/or assist a third-party in building or supporting, products or services competitive to Itron or its providers.

6.1.3. Content Restrictions. Customer may not distribute, download, or place on any Itron or its providers’ website or Server, or use with any Service Offering, any content that: (a) Customer knows or has reason to believe infringes the Intellectual Property Rights of any third party or violates any rights of publicity or privacy; (b) violates any applicable law, statute, ordinance; (c) is defamatory, trade libelous, unlawfully threatening or unlawfully harassing; or (d) is obscene, pornographic or indecent (items (a) – (d) are collectively referred to as “Prohibited Content”). Itron reserves the right to remove any Prohibited Content from the Server without prior notice to Customer. Customer will indemnify, defend and hold Itron and its providers harmless for any claims, liabilities, losses, causes of action, damages, settlements, and costs and expenses (including, without limitation attorneys’ fees and costs) arising from any third-party claims related to or generated by any Prohibited Content distributed, downloaded, or placed on any Itron or its providers’ website or Server or used with any Service Offering by Customer.

6.2. Breach of Restrictions. Customer’s breach of the restrictions set forth in Section 6.1.2 (“Restrictions on Use”) or Section 6.1.3 (“Content Restrictions”) shall constitute a material breach of this Agreement and shall result in revocation and immediate suspension or termination, as determined by Itron in its sole discretion, of all rights and licenses granted under this Agreement with respect to the Service Offerings. Revocation does not preclude Itron from pursuing any legal and equitable remedies for Customer’s breach of these restrictions.

6.3. SaaS Software Availability. Itron will endeavor to make the SaaS Software available to Customer

through the Service Offering(s) purchased by Customer at least 99.5% of the time, excluding any downtime resulting from maintenance or circumstances beyond Itron's reasonable control.

6.4. Third-Party Radio Devices. Customer may use a Service Offering to collect Customer Data from Endpoints equipped with radio communication devices not manufactured or provided by Itron ("Third-Party Radio Device"). Itron makes no representations or warranties whatsoever, directly or indirectly, express or implied, as to the suitability, durability, and fitness for use, merchantability, condition, quality, performance or non-infringement of, and disclaims all liability with respect to, Third-Party Radio Devices. Without limiting the foregoing, Itron shall have no liability (a) if a Third-Party Radio Device is not responding or communicating or (b) for unread Endpoints due to defective or unreachable Third-Party Radio Devices. Customer shall contact the supplier of such device for support.

6.5. Sizing of Software-as-a-Service. Itron will size Service Offerings, Servers, and systems for Customer's specific deployment. System sizing depends upon the Service Offering and types of devices and sensors and may be a factor in determining Subscription Fees. Sizing criteria may include number of system endpoints, number of network devices, residential meter configuration, commercial and industrial meter configuration, desired data collection intervals, storage duration for historical data, and the number of concurrent and total users of the application. Any sizing changes during a Subscription Term will require a written agreement of the Parties and may result in a change in Subscription Fees.

6.6. Application Upgrade and Fixes. SaaS Software is updated regularly using a continuous delivery method.

6.7. Conditions on Use of Service. Customer will use of the Service Offerings only in accordance with the Documentation, this Agreement, and applicable laws and government regulations. The rights of any user to access and use the Service Offerings cannot be shared or used by more than one individual (unless such license is reassigned in its entirety to another authorized user), and Customer shall make every reasonable effort to prevent unauthorized third parties from accessing the Service Offerings.

6.8. Suspension or Restriction of Service. Itron may suspend or restrict all or part of the Service Offerings at any time to protect the integrity and functionality of the Software, Servers, platforms, and systems, or for a breach of Section 6.1.2 ("Restrictions on Use"), Section 6.1.3 ("Content Restrictions") or Section 6.7 ("Conditions on Use of Service"), until such breach is cured to Itron's reasonable satisfaction.

6.9. Incident Management. Itron will provide Customer support and incident and problem management services, which include responding to alerts, tracking the issue, troubleshooting the problem and escalating to Itron subject matter experts or third-party providers.

6.10. Customer Technical Responsibilities. Customer is responsible for selecting, acquiring, securing and maintaining all equipment and ancillary services needed to connect to, access, or otherwise use and maintain compatibility with the Service Offerings, at Customer's sole expense.

6.11. User IDs and Passwords. Itron shall provide Customer with a user identification and password ("User ID") to access each Service Offering. Customer shall be solely responsible for all use of Customer's subscriptions and accounts. Customer shall maintain the confidentiality of all User IDs assigned to or created by Customer. User IDs may not be shared or used by more than one user.

6.12. Maintenance. System maintenance, whenever reasonably practicable, will be performed during off-business hours based on the regions covered by the Service Offering. Itron will minimize Service Offering disruptions to the extent reasonably practical.

6.13. Business Continuity. Application data is fully backed up weekly and differentially backed up daily unless backup is prevented by loss of datacenter or datacenter connectivity or other circumstances outside Itron's reasonable control. Itron's hosted environment is on fault tolerant systems with specific mechanisms for high availability.

6.14. Recovery of Customer Data. At the end of the Term of the Agreement or SaaS service (unless the Agreement or SaaS service is renewed pursuant to duly executed amendment or a new agreement), or in the event of its early termination in accordance with the terms of the Agreement, Customer will confirm to Itron in writing, no later than on the effective date of expiration or termination, its decision to close the SaaS service ("Closure Confirmation"). Provided that Itron has received the Closure Confirmation from Customer within the aforementioned period, Itron will maintain Customer's access to the system for a maximum period of three (3) months from receipt of the Closure Confirmation, for the sole purpose of enabling Customer to retrieve the following Customer data: access account information, meter details, history of index reading data and photographs. Customer may, at no additional cost, export said system data in the standard file format used by the SaaS service, or the format already supported by the SaaS service. At the end of this three (3) month period, the Customer data will be permanently deleted and will no longer be recoverable.

7. Mobile Device Software License.

7.1. License Grant. Subject to the terms of this Agreement, Itron grants Company a limited, non-exclusive, and non-transferrable license to download, install, and use the Mobile Device Software on Itron-approved mobile devices owned or otherwise controlled by Customer (each a "Mobile Device")

strictly in accordance with the Documentation.

7.2. License Restrictions. Customer shall not: (a) copy the Mobile Device Software; (b) modify, translate, adapt, or otherwise create derivative works or improvements, whether or not patentable, of the Mobile Device Software; (c) reverse engineer, disassemble, decompile, decode, or otherwise attempt to derive or gain access to the source code of the Mobile Device Software or any part thereof; (d) remove, delete, alter, or obscure any trademarks or any copyright, trademark, patent, or other intellectual property or proprietary rights notices from the Mobile Device Software, including any copy thereof; or (e) rent, lease, lend, sell, sublicense, assign, distribute, publish, transfer, or otherwise make available the Mobile Device Software, or any features or functionality of the Mobile Device Software, to any third party for any reason.

7.3. Updates. Itron may from time to time in its sole discretion develop and provide Mobile Device Software updates, which may include upgrades, bug fixes, patches, other error corrections, and/or new features (collectively, including related documentation, "Updates"). Based on Customer's Mobile Device settings, when Customer's Mobile Device is connected to the internet either: (a) the Mobile Device Software will automatically download and install all available Updates; or (b) Customer may receive notice of or be prompted to download and install available Updates. Customer shall promptly download and install all Updates and acknowledge and agree that the Mobile Device Software, the Service Offering, or portions thereof may not properly operate should Customer fail to do so. Customer further agrees that all Updates will be deemed part of the Mobile Device Software and be subject to all terms and conditions of this Agreement.

7.4. Compatible Mobile Devices. Mobile Device Software is designed to work in connection with Mobile Devices that meet Itron minimum requirements. Itron will provide the minimum specifications to Customer. Itron is not required to make Mobile Device Software work with any other mobile devices.

7.5. Disclaimer of Liability. Mobile Device Software requires Internet connectivity, which Customer is solely responsible for procuring. Itron accepts no responsibility for any internet services failure, Mobile Device failure, or for any loss or damage of any kind caused by such failure.

8. Maintenance Services.

8.1. Primary Services Contacts.

8.1.1. Designation by Customer. Customer shall designate a minimum of one and not more than two Primary Services Contacts for each Covered Product line, to serve as administrative liaisons for all matters pertaining to Maintenance Services for such Covered Product line and shall provide their contact information to Itron's customer account representative. Primary Services Contacts shall

promptly report problems with Covered Products by submitting a Service Request for entry into Itron's support tracking system. Although it is Customer's sole right to choose its Primary Services Contacts, Customer and Itron acknowledge that each Primary Services Contact must have the appropriate technical skills and training for the position. If Customer replaces a Primary Services Contact, Customer will provide updated contact information to Itron's customer account representative, and the new Primary Services Contact will be properly trained prior to interfacing with Itron support personnel.

8.2. Training of Principal Services Contacts. Before a Primary Services Contact interfaces with Itron support personnel, he/she will attend training sessions offered by Itron, an Itron-approved trainer, or Customer's training program approved by Itron to ensure that the Primary Services Contact is (i) knowledgeable about operation of the applicable Covered Products, and (ii) qualified to perform problem determination and remedial functions with respect to such Covered Products. Customer may perform Itron-approved training or may engage Itron to perform training of Primary Services Contacts at Itron's then current rates. Itron will make training sessions available by remote video conference or training will be made available at a location or in a manner mutually agreed by the Parties. Customer shall be responsible for all Customer's associated travel-related expenses and, if the Parties agree that training will be provided at a location other than an Itron-designated facility (e.g., at a Customer- proposed facility), Customer will also reimburse Itron's travel-related expenses. The Primary Services Contacts must have the skills and capabilities to train other Customer personnel on Covered Products. Itron may update Covered Product training from time to time and, upon receiving notice of such updates from Itron, Customer shall promptly provide such training to its Primary Services Contacts in accordance with this Section. Global Support Services & Service Requests.

8.2.1. Global Support Services. Itron will make support representatives available to provide technical support during its then current normal business hours as set forth in the Product Contact Information Sheet included within the Client Services Guidelines Document. Global Support Services include troubleshooting & problem diagnosis relating to Covered Products; release or system management consulting; and recommendations for fully utilizing Covered Products. Customer acknowledges and agrees that Global Support Services are not intended as a substitute for training of Customer personnel, field support, or Itron professional services. Nor will Customer use Global Support Services in lieu of having qualified and trained support personnel of its own.

8.2.2. Service Request Process. Customer shall submit Service Requests in the manner required by the Client Services Guidelines Documents and Service Levels. Customer may submit Service Requests on a 24/7/365 basis and Itron will respond to such Service Requests in accordance with the Service Levels. When Customer submits a Service Request, Customer will reasonably assess its

urgency according to the appropriate Severity Level in Attachment A to this Agreement. Itron will designate the initial Severity Level and the Parties will resolve any perceived gap regarding the Severity Level designation as soon as is reasonably practical.

8.2.3. Field Support. At Customer's request, and Itron's approval, Itron will dispatch support personnel to Customer's location to provide onsite Global Support Services ("Requested Field Support") related to a reported problem which cannot be addressed remotely. Requested Field Support will be billed at Itron's then-current rates, and Customer will reimburse Itron's travel-related expenses, unless the cause of the reported problem is found to be the fault of Itron.

8.3. Software Maintenance.

8.3.1. Fixes. Itron shall provide Fixes in accordance with the Service Levels. Itron's obligations with respect to Service Levels are contingent upon Customer (i) devoting the same level of effort to resolving the Error as is required of Itron, (ii) responding to requests made by Itron within the applicable Response Time, (iii) assigning only qualified personnel to help Itron address the Error, and (iv) providing all information, access, and assistance reasonably requested by Itron to address the Error.

8.3.2. Improvements. Itron shall provide Improvements, if any, at no charge to Customer if such Improvements are made within the current product specifications and are made available to Itron customers generally at no charge. Improvements created as new add-on modules/features and not part of the products original specifications, will be created at Itron's discretion and will be billable at Itron's then current rates. Access to new add-on modules may also require additional licensing and subscription fees.

8.3.3. Exclusions. Itron shall have no obligation to provide Maintenance Services for, or liability to Customer for Software adversely affected by (i) use of Software by anyone other than Itron in combination with software, equipment, or communications networks not referenced in the Documentation as being compatible with the Software; (ii) failure to perform customer responsibilities describe in this Agreement, (iii) viruses introduced through no fault of Itron.

8.3.4. Customer Responsibilities. Customer will support Itron investigation and restoration efforts as defined in the Service Level table and will act upon / implement support solutions and workarounds recommended by Itron in a timely fashion. When escalating a Service Request with Itron, Customer's Primary Service Contact shall collect and provide all data logs, findings, analysis, and any relevant forensic information pertaining to the issue as outlined in Client Services Guideline Documents.

9. Warranty Disclaimer. ITRON MAKES NO WARRANTY OF ANY KIND RELATING TO SERVICES AND DISCLAIMS ALL IMPLIED WARRANTIES, INCLUDING WITHOUT LIMITATION, (I) IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, (II) WARRANTIES OF TITLE AND AGAINST INFRINGEMENT, AND (III) WARRANTIES ARISING FROM A COURSE OF DEALING, USAGE OR TRADE PRACTICE. TO THE EXTENT ANY IMPLIED WARRANTY CANNOT BE EXCLUDED, SUCH WARRANTY IS LIMITED IN DURATION TO THE EXPRESS WARRANTY PERIOD. ITRON AND ITS SUPPLIERS DO NOT WARRANT OR REPRESENT THAT SERVICES OR EQUIPMENT WILL BE FREE FROM BUGS, ERRORS OR THAT THEIR USE WILL BE UNINTERRUPTED OR ERROR-FREE. ITRON ASSUMES NO LIABILITY OR RESPONSIBILITY FOR ANY INTERRUPTION OR CESSATION OF TRANSMISSION TO OR FROM ITS DATA CENTERS OR DATA CENTERS OF ITS VENDORS VIA WAN, CELLULAR OR OTHER PUBLIC COMMUNICATIONS OR BROADBAND SYSTEMS (INCLUDING OUTAGES, DEVICE NON-REACHABILITY, LOSS OR INACCURATE READING) OR FOR ANY CONSEQUENCES, LOSSES, OR DAMAGES ARISING FROM CHANGES MADE BY CUSTOMER TO THE CONTENT OR PROGRAMMING OF EQUIPMENT (UNLESS CAUSED BY A DEFECTIVE PRODUCT). THESE DISCLAIMERS WILL APPLY NOTWITHSTANDING ANY FAILURE OF THE ESSENTIAL PURPOSE OF ANY LIMITED REMEDY PROVIDED UNDER THIS AGREEMENT.

10. Intellectual Property.

10.1. Reservation of Intellectual Property. Subject to the limited rights expressly granted by Itron to Customer under this Agreement: (i) Itron reserves all rights, title and interest in and to all of its Intellectual Property, and (ii) as between the Parties, Itron owns all rights, title and interest in and to its Confidential Information and the products, services and related deliverables provided by Itron under this Agreement. Subject to the limited rights expressly granted by Customer to Itron under this Agreement, Customer reserves all rights, title and interest in and to all of its Intellectual Property, and (ii) as between the Parties, Customer owns all right, title and interest in and to its Confidential Information and Customer Data. All rights, titles, and interests not specifically and expressly granted by either Party hereunder are hereby reserved.

10.2. Customer Suggestions. Itron shall have a royalty-free, worldwide, irrevocable, perpetual license to use and incorporate into any products and services any suggestions, enhancement requests, recommendations or other feedback provided by Customer.

11. Third-Party Claims.

11.1. General Claims. The Defending Party will defend the Defended Party from and against Claims arising from personal bodily injury, death, or damage to tangible personal property or real property, and will indemnify the Defended Party from resulting settlements approved by the Defending Party and final judgments entered against the Defended Party, to the extent caused by the negligence of the Defending Party.

11.2. Infringement Claims. Itron, as the Defending Party, will defend Customer, as the Defended Party, from and against Claims alleging that any Itron-branded products or services, as delivered to Customer, infringe upon any third party's Intellectual Property Rights within the Territory ("IP Claims"). Itron will also indemnify Customer for settlements approved by Itron and final judgments entered against Customer to the extent resulting from IP Claims. If Itron receives notice of an alleged infringement by any products or services provided to Customer under this Agreement, or if Itron reasonably believes that an IP Claim is likely, Itron may stop delivery of the affected products or services without liability for failure to deliver them. Itron will have the right, at its sole option, to obtain the right for Customer to continue use of the affected products or services, or to replace or modify the affected products or services so that they are no longer alleged or believed to infringe, if it can be done without significant loss of functionality. If neither of the foregoing options are available to Itron on commercially reasonable terms, Itron may terminate Customer's use of the affected products or Services without further liability under this section, in which case Itron will refund to Customer the depreciated value of the affected product and any prepaid unused portion of the service.

11.3. Conditions to Defense. As a condition to the Defending Party's obligations under Section 11.1 or Section 11.2 above, the Defended Party must: (i) promptly notify the Defending Party in writing of the Claim; (ii) give the Defending Party all reasonably requested information and assistance in connection with the Claim in a timely manner; and (iii) give the Defending Party the sole right to control the defense and settle of the Claim. The Defending Party shall not enter into any settlement of a Claim against a Defended Party without the Defended Party's prior written consent unless: (a) there is no admission of fault of the Defended Party; (b) there is no injunctive or other non-monetary relief against the Defended Party; and, (c) the settlement includes the claimant's or plaintiff's release of the Defended Party from all liability in respect of the Claim.

11.4. Exclusions to Infringement Claim Defense. Itron will have no obligation under Section 11.2 above for any infringement Claim in which infringement is alleged or caused by (i) the combination, operation or use of any product or service provided by Itron with any product or service (including third-party software and equipment) not provided by Itron, (ii) any modification to products or services made either without Itron's prior written consent or other than Itron or an authorized representative

of Itron, (iii) failure to use updated or modified products or services as provided by Itron, (iv) use of any release of Itron software or any firmware other than the most current release made available to Customer, (v) use of products or services not in accordance with this Agreement and applicable Documentation, or (vi) Itron's compliance with any designs, specifications, or instructions provided by Customer. In addition, Itron shall not be liable for enhanced or punitive damages that could have been avoided or reduced by actions within the control of Customer.

11.5. EXCLUSIVE REMEDY. THIS SECTION 11 CONSTITUTES CUSTOMER'S SOLE AND EXCLUSIVE REMEDY WITH RESPECT TO THIRD PARTY CLAIMS BROUGHT AGAINST CUSTOMER.

12. Data Protection. The Parties must implement and establish reasonable security protocols for the protection and retention of Customer Data. As between Customer and Itron, Customer will retain its rights in Customer Data; provided, however, Customer hereby grants Itron a non-exclusive, royalty-free, perpetual, worldwide license to copy, modify, use, sublicense, distribute, display, create derivative works of all Customer Data for the purposes of (i) providing products and services to Customer, (ii) testing, troubleshooting, and optimizing performance and quality of Itron's products and services, and (iii) so long as Customer is not identifiable and all personally identifiable information is either removed or anonymized, developing new products and services. Itron assumes no responsibility for Customer or third-party content carried on Customer's or Itron's systems. Customer warrants and represents that, during the term of this Agreement, (a) it has the legal right and authority to grant Itron access to view, store, and use the Customer Data to provide products and services, and (b) Itron's transmission, use and storage of any such Customer Data in accordance with this Agreement will not violate any applicable laws or regulations or cause a breach of any agreement or obligation between Customer and any third-party..

13. Confidentiality. Each Party receiving, possessing, accessing or otherwise acquiring Confidential Information of the other Party acknowledges that the disclosing Party's Confidential Information is the property of and confidential to, or a trade secret of, the disclosing Party. The receiving Party: (a) must keep the disclosing Party's Confidential Information confidential and may not directly or indirectly disclose, divulge or communicate that Confidential Information to, or otherwise place that Confidential Information at the disposal of, any other person without the disclosing Party's prior written approval; (b) must take all reasonable steps to secure and keep secure all disclosing Party's Confidential Information coming into its possession or control; (c) may not disclose any Confidential Information to anyone other than the receiving Party's employees, agents, contractors or subcontractors and professional advisors, or those of its Affiliates, who have a need to know such Confidential Information; (d) must use the Confidential Information solely for purposes related to the subject matter of this Agreement or for potential future commercial transactions between the Parties not otherwise covered by a separate agreement; and (e) must ensure that any person to whom it discloses Confidential Information in accordance with this provision is subject to binding confidentiality obligations that are at least as restrictive as those set forth in this Agreement.

14. Termination. Either Party may terminate this Agreement by providing the other Party with written notice if the other Party (i) becomes insolvent, executes a general assignment for the benefit of creditors or becomes subject to bankruptcy or receivership proceedings, or (ii) commits a material breach of this Agreement that remains uncured for thirty (30) days following delivery of written notice of such breach. Any notice of breach must specify (a) the nature of the breach, and (b) the specific act or acts that the non-breaching Party contends would correct such breach. For the avoidance of doubt, Customer's failure to pay invoices timely will be deemed a material breach of this Agreement.

15. Survival. The following sections of this Agreement shall survive termination or expiration of this Agreement: 1 ("Definitions"), 3 ("Term"), 4 ("Fees, Invoicing, Taxes and Payment"), 6.1.2 ("Restrictions on Use"), 6.2 ("Breach of Restrictions"), 9 ("Warranty Disclaimer"), 10 ("Intellectual Property"), 12 ("Data Protection"), 13 ("Confidentiality"), 15 ("Survival"), 16 ("Limitation of Liability"), 17 ("Disputes"), 18 ("Governing Law and Venue"), 23 ("Force Majeure"), and 24 (Miscellaneous).

16. Limitation of Liability. Except for Customer's violation of Itron's Intellectual Property Rights, neither Party will be liable to the other Party for any consequential, indirect, special, incidental, punitive or exemplary damages arising out of this Agreement or products or services provided hereunder (including, but not limited to, damages for loss of data, goodwill, profits other than amounts payable by Customer to Itron hereunder, investments, use of money or facilities; interruption in use or availability of data; stoppage of other work or impairment of other assets), whether or not foreseeable and even if such Party has been advised of the possibility of such damages. Except for Customer's payment obligations hereunder or violation of Itron's Intellectual Property Rights, neither Party's total, aggregate liability to the other Party arising out of or related to this Agreement or any products or services provided hereunder shall exceed the amounts paid and payable by Customer under this Agreement during the twelve month period immediately preceding the date upon which the liability arose, regardless of whether any action or claim is based on contract, warranty, indemnity, negligence, strict liability or other tort or otherwise.

17. Disputes. The Parties shall resolve any dispute, controversy, or claim arising out of or relating to this Agreement, or the breach, termination, or invalidity hereof (each, a "Dispute") in accordance with this Section. A Party shall send written notice to the other Party of any Dispute ("Dispute Notice"). The Parties shall first attempt in good faith to resolve any Dispute set forth in the Dispute Notice by negotiation and consultation between themselves. In the event that such Dispute is not resolved on an informal basis within thirty (30) Business Days after one Party delivers the Dispute Notice to the other Party, either Party may, by written notice to the other Party ("Escalation to Executive Notice"), refer such Dispute to the executives of each Party designated by such Party in a written notice to the other Party ("Executive(s)"). If the Executives cannot resolve any Dispute during the period ending thirty (30) Business Days after the date of the Escalation to Executive Notice (the last day of such time period, the "Escalation to Mediation Date"), either

Party may submit the Dispute to any mutually agreed to mediation service for mediation by providing to the mediation service a joint, written request for mediation, setting forth the subject of the dispute and the relief requested. The Parties shall cooperate with one another in selecting a mediation service and shall cooperate with the mediation service and with one another in selecting a neutral mediator and in scheduling the mediation proceedings. The Parties covenant that they will use commercially reasonable efforts in participating in the mediation. The Parties agree that the mediator's fees and expenses and the costs incidental to the mediation will be shared equally between the Parties. If the Parties cannot resolve any Dispute for any reason, including, but not limited to, the failure of either Party to agree to enter into mediation or agree to any settlement proposed by the mediator, within sixty (60) Business Days after the Escalation to Mediation Date, either Party may proceed in accordance with the provisions of Section 18 (Governing Law and Venue). Notwithstanding the foregoing, nothing in this Section shall be construed as preventing a Party from seeking available equitable relief, including without limitation, specific performance and injunctive relief in a court of competent jurisdiction.

18. Governing Law and Venue. This Agreement and all related documents, including all addenda attached hereto, and all matters arising out of or relating to this Agreement, whether sounding in contract, tort, or statute are governed by, and construed in accordance with, the laws of the State of North Carolina, United States of America (including its statutes of limitations), without giving effect to the conflict of laws provisions thereof to the extent such principles or rules would require or permit the application of the laws of any jurisdiction other than those of the State of North Carolina. The Parties agree that the United Nations Convention on Contracts for the International Sale of Goods does not apply to this Agreement. Each Party irrevocably and unconditionally agrees that it will not commence any action, litigation, or proceeding of any kind whatsoever against any other Party in any way arising from or relating to this Agreement and all contemplated transactions, including, but not limited to, contract, equity, tort, fraud, and statutory claims, in any forum other than the United States District Court for the Western District of Texas, if such court does not have subject matter jurisdiction, the courts of the State of Texas sitting in Travis County, and any appellate court from any thereof. Each Party irrevocably and unconditionally submits to the exclusive jurisdiction of such courts and agrees to bring any such action, litigation, or proceeding only in the United States District Court for the Eastern District of North Carolina or, if such court does not have subject matter jurisdiction, the courts of the State of North Carolina sitting in Wake County. Each Party agrees that a final judgment in any such action, litigation, or proceeding is conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law.

19. Legal Compliance. Each Party must comply with all applicable laws. Itron's products and services delivered under this Agreement are subject to the U.S. Export Administration Regulations ("EAR"; 15 CFR part 730 et seq.) and any applicable laws and regulations of the particular country to which such items are shipped or received. Customer shall comply with all applicable export control laws and shall not cause, directly or indirectly, the export, re-export, or transfer of any such items or services to destinations or persons without obtaining any required prior authorization from the U.S. Government and any other

applicable local authorities. Customer shall not do anything to cause Itron to violate such export control laws, including, but not limited to, requesting support for a product that has been unlawfully re-exported or requesting delivery of a product or service intended for a U.S. sanctioned region or person. Each party represents that it is not listed on a U.S. Government restricted party list for export control or trade sanctions purposes, and is not 50% or more owned, in the aggregate, by one or more restricted parties. Customer shall maintain any required export records related to Itron's products or services and make such records available to Itron upon request. The Parties must comply with all anti-bribery laws and may not make any payments or transfer any item of any value for the purpose of bribing any individual or group, or accepting or participating in any extortion, kickbacks, or other unlawful or improper means to obtain business related to this Agreement or products and services orderable under this Agreement.

20. Publicity. Neither Party may issue a press release related to this Agreement or their relationship without the other Parties' prior written consent.

21. Sub-contractor and Outsourcer. Itron may hire, engage, or retain the services of one or more subcontractors and/or outsourcing providers to perform any or all of its obligations related to its product development, network operations, and/or any portion of services provided under this Agreement. Subcontractors and outsourcing providers that have access to Customer Data will be bound by written obligations of confidentiality and data security requirements as restrictive as those required under this Agreement.

22. Independent Contractor. This Agreement does not create a partnership, franchise, joint venture, agency, fiduciary, or employment relationship between the Parties. The Parties are independent contractors. Neither Party has any authority to act on behalf of, or to bind the other to any obligation.

23. Force Majeure. Neither Party (the "Impacted Party") shall be liable or responsible to the other Party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement (except for Customer's obligations to make payments to Itron under this Agreement), when and to the extent such failure or delay is caused by or results from acts or omissions (whether in effect on or after the Effective Date of this Agreement) beyond the Impacted Party's reasonable control and without the Impacted Party's negligence, including, without limitation: (a) left blank (b) severe weather, flood, fire, earthquake or explosion; (c) war, invasion, hostilities (whether war is declared or not), terrorist threats or acts, riot, or other civil unrest; (d) changes in applicable laws or regulations; (e) embargoes or blockades; (f) action or inaction by any governmental authority; (g) national or regional emergency; (h) strikes, labor stoppages, or slowdowns or other industrial disturbances; (i) shortage of adequate materials, qualified labor, power or transportation; (j) epidemics, pandemics or quarantines; and (k) other similar or dissimilar circumstances outside the Impacted Party's reasonable control and without the Impacted Party's negligence (each a "Force Majeure")

24. Miscellaneous. (a) If any provision of this Agreement is found to be unenforceable by a court of competent jurisdiction or arbitration panel, such provision will be deleted and the remaining terms will be construed so as to give maximum lawful effect to any such deleted terms. (b) Section numbers and captions are provided for convenience of reference and do not constitute a part of this Agreement. Any references to a particular section of this Agreement will be deemed to include reference to any and all subsections thereof. (c) No waiver by either Party of any breach under this Agreement will constitute a waiver of any other breach. (d) This Agreement is not made for the benefit of any third parties. (e) All notices under this Agreement must be sent to such other address as such Party has notified the other in writing, will be effective on the date received (unless the notice specifies a later date) and must be sent by a courier service that confirms delivery in writing, or by certified or registered mail, postage prepaid, return receipt requested. All communications and notices to be made or given pursuant to this Agreement must be in English. (f) Customer may not assign this Agreement or any of its rights hereunder without Itron's prior written consent. Subject to the foregoing, this Agreement will bind and inure to the benefit of the Parties and their respective successors and permitted assigns, but any assignment in violation of this provision will be void.

25. Public Records Requirements. To the extent applicable, Itron will comply with the public records requirements in Customer's state. Itron recognizes that Customer is subject to public records laws under which Customer is required to disclose all records characterized as public under state law, unless an exemption applies. For that reason, Customer agrees that if a record regarding Itron software and/or documentation is requested under public records laws, Customer will provide Itron with prompt written notice of such request prior to producing any records so that Itron has an opportunity to seek court protection of the requested records. Customer also agrees to reasonably cooperate with Itron to mitigate the disclosure of such software and/or documentation to the extent requested by Itron and allowed by applicable public records laws.

In witness thereof, the Parties, by their authorized agents, affix their signatures and seals this ____ day of _____, _____.

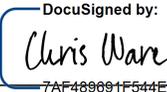
Itron

DocuSigned by:
Joel Vach
D4BB7D03A21E4BB...

Name: _____
(type or print)

By: Joel Vach
(Signature)

Title: VP-Tax and Corporate Treasurer

Attest: 
7AF489091F544EB...
(Secretary, if a corporation)

CLIENT (Town of Apex)

Catherine Crosby, Town Manager

Attest:

Town Clerk

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Vance Holloman, Finance Director

Attachment A**– Software Maintenance & Support Service Levels –**

Severity Level	Response Times	Effort Level and Restoration	Escalation
<p>Business Impact: Critical Impact / System Down. A Production System Error for which there is no work-around, which causes Software or a critical business function / process of said product to be unavailable such that system operation cannot continue.</p> <p>Example: a) Billing cannot be completed, b) Major documented function not working, c) System hung or completely down</p>	<p>During regular business-hours Itron will begin the Service Request process during Customer's initial call.</p> <p>During after-hour periods, Itron will respond to a critical support voice messages within 15 minutes by a return call to Customer, to validate receipt of the critical support call and begin the Service Request process.</p> <p>Following the start of the Service Request process Itron will respond to Customer's Service Request within two (2) business hours with an investigation response.</p> <p>Itron will update Customer at three (3) hour intervals during each day the Service Request remains unresolved, or as otherwise agreed by the Parties.</p> <p>Customer will respond to an Itron inquiry or request within three (3) hours.</p>	<p>Itron will make diligent efforts on a 24x7 basis, or as otherwise agreed by the Parties, to:</p> <p>i) restore Software with a change to eliminate root cause, ii) provide a workaround which restores Software and downgrades the Severity Level to S2, S3, S4.</p> <p>Customer Support Staff must be available 24x7 to work cooperatively with Itron continuously until such time restoration is achieved.</p>	<p>An unresolved Service Request shall be escalated to Itron management as follows:</p> <p>After 30 minutes: Technical Customer Support Team Lead</p> <p>After 8 hours: Manager, Technical Client Services</p> <p>After 16 hours: Director, Global Support Services</p> <p>After 48 hours: Service Request. Vice President, Services and Delivery</p> <p>After 72 hours: President, Itron</p>

<p>Severity Level 2* Business Impact:Major impact, degraded Operation. An Error other than a Severity Level 1 Error, for which there is no work-around, which degrades or limits operation of major system functions causing Software to miss required business interface or deadlines. Software remains available for operation but in a highly restricted fashion.</p> <p>Example: a) Billing cannot be completed on time, b) Major function is operating outside documented timing / term, c) Software operating slow, missing data, data delivery, daily mission.</p>	<p>During regular business-hours Itron will respond to Customer regarding Service Request within one (1) business day.</p> <p>While Service Request remains unresolved, Itron will update the Customer and the Service Request at least every other business day, or as otherwise agreed by the parties.</p> <p>Customer will respond to an Itron inquiry or request within one (1) business day.</p>	<p>Itron will make diligent efforts during normal business hours to:</p> <p>i) restore Software with a change to eliminate root cause, ii) a workaround which restores Software and downgrade the Severity Level to S3, S4.</p>	<p>An unresolved Service Request shall be escalated to Itron management as follows:</p> <p>After 1 hours: Technical Customer Support Team Lead</p> <p>After 8 hours: Manager, Technical Client Services</p> <p>After 24 hours: Director, Global Support Services</p> <p>After 30 Days: Vice President, Services and Delivery</p>
<p>Severity Level 3** Business Impact: Minor Business Impact, compromised operations. An Error other than a Severity Level 1 or Severity Level 2 Error that has moderate impact on use of or access, with low business impact, but not preventing Customer from performing daily activities.</p> <p>Example: The Service Request affects use by Software users, allowing Customer's functions to continue to meet daily business needs.</p>	<p>During regular business-hours Itron will respond to Customer regarding Service Request within two (2) business days.</p> <p>While Service Request remains unresolved, Itron will update the Service Request weekly, or as otherwise agreed by the parties.</p> <p>Customer will respond to an Itron inquiry or request within two (2) business days.</p>	<p>Itron will work during normal business hours to:</p> <p>i) restore Software with a change to eliminate root cause, ii) a workaround which restores Software and downgrades the Severity Level to S4</p>	

<p>Severity Level 4 Business Impact: Standard Operations intact. A low or no-impact Error other than a Severity Level 1, Severity Level 2 or Severity Level 3 Error, or a request for enhancement / new functionality Example: Generally, a cosmetic Error or an Error which does not degrade Customer's use of the product or system.</p>	<p>During regular business-hours Itron will respond to Customer regarding Service Request within three (3) business days.</p>	<p>Itron GSS Management Team will make commercially reasonable efforts during normal business hours to understand the Service Request and provide applicable recommendations as to when a Fix may be schedule in a future release, or how to proceed with a formal enhancement request to Itron's product and delivery teams.</p>	
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* Severity Level 1 and Severity Level 2 must be reported by phone to insure they are addressed under the appropriate severity level response process. Service Requests entered by email or Web access are generally addressed as a Severity Level 3.

** Service Request opened on Non-production servers / environments are entered as a Severity Level 3.



Electric / Gas / Water

Information collection, analysis and application

2111 N. Molter Rd.
Liberty Lake, WA 99019
fax: 866-787-6910
www.itron.com

Pricing Summary for

Town of Apex, North Carolina

BMR# 24686-22 Ver1 Apr
April 25, 2022

Item	Part Number	Description	Qty	Unit Price	Extended Price	Notes
Itron Cloud Services						(1,2)
Setup Fees						
1	FTA-SETUP-FEE	Field Tools Advanced Value-Add Setup Fee			\$275.00	
Annual Subscription Fees						
2	FTA E-SUB	Field Tools Advanced, From 25,001 - 50,000 Endpoints, Electronic Delivery			\$1,749.00	
Itron Cloud Services Total					\$2,024.00	

Notes and Assumptions

- (1) Every new Field Tools Advanced customer must have Itron setup their Business Unit to make the Advanced Value-add features available to the Field Tools app or mobile client.
- (2) Subscriptions are an annual fee shown in List Price, to gain access to the Advanced Value-add features of Field Tools. Quantity pricing is based on the total number of distinct endpoints owned by the utility.
- (3) Unless otherwise agreed by the parties, Itron reserves the right to renew Recurring Services after the first year at the then-current price list.
- (4) Pricing is based on existing agreements or Itron's standard terms and conditions.
- (5) Freight and taxes are not included. Prices are in US dollars. Prices are valid for 60 days.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 10, 2022

Item Details

Presenter(s): Mayor and Council

Department(s):

Requested Motion

Presentation of LGBTQIA Pride Month 2022 Proclamation

Approval Recommended?

Yes

Item Details

Presentation of the LGBTQIA Pride Month 2022 Proclamation.

Attachments

- Proclamation



Town of Apex, North Carolina

PROCLAMATION

From the Office of the Mayor

LGBTQIA PRIDE MONTH 2022

WHEREAS, Individuals who identify as Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual celebrate Pride Month or LGBTQIA Pride Month is celebrated Nationwide each year in the month of June; and

WHEREAS, this month was chosen to commemorate the events that took place 50 years ago at the Stonewall Inn in Manhattan, New York, on June 28, 1969, and is often viewed as the beginning of the modern LGBTQIA rights movement; and

WHEREAS, it is important during this month to take the time to reflect on the LGBTQIA rights movement; and

WHEREAS, LGBTQIA people in the United States, the State of North Carolina, and the Town of Apex have made, and continue to make, vital contributions to the world in every aspect; and

WHEREAS, LGBTQIA Americans have achieved significant milestones, ensuring that future generations of people in the United States will enjoy a more equal and just society;

WHEREAS, despite extraordinary progress, LGBTQIA Americans still face discrimination simply for being who they are; and

WHEREAS, the State of North Carolina, the Wake County Commissioners, and the Town of Apex stands with the LGBTQIA community in the struggle to ensure equal treatment for all, and to advocate for LGBTQIA rights as human rights; and

WHEREAS, the Town of Apex will continue to advocate for protections for all LGBTQIA individuals to make our Town a place where all people, regardless of their sexual orientation, gender identity, or gender expression, are treated with dignity and respect;

NOW, THEREFORE, I, JACQUES GILBERT, MAYOR OF THE TOWN OF APEX, DO HEREBY PROCLAIM June 2022 as LGBTQIA Pride Month.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 10th day of May 2022.

Jacques Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 10, 2022

Item Details

Presenter(s): Mayor and Council

Department(s):

Requested Motion

Presentation of Azerbaijan Republic Day Proclamation

Approval Recommended?

Yes

Item Details

Presentation of Azerbaijan Republic Day Proclamation.

Attachments

- Proclamation



Town of Apex, North Carolina

PROCLAMATION

From the Office of the Mayor

AZERBAIJAN REPUBLIC DAY

WHEREAS, since its establishment, the Town of Apex has always been home to vibrant communities of diverse people hailing from all over the world boating distinct cultural heritages; and

WHEREAS, Town of Apex is home to a proud and vibrant Azerbaijani American Community that bolstered the city in the realms of art and music, business and finance, law and government, education and social service, and science and medicine; and

WHEREAS, Azerbaijan Friendship Organization has worked to promote cross-cultural understanding between Apex and Azerbaijan; and

WHEREAS, The Azerbaijani American residents of Apex have long stood among fellow Apex residents as advocates and activists that work to fortify our historic neighborhoods while working toward a better town and society for all; and

WHEREAS, On May 28, 2021, Azerbaijani Americans will celebrate Azerbaijan Republic Day in commemoration of the establishment of the Azerbaijan Democratic Republic in 1918:

NOW, THEREFORE, I, JACQUES GILBERT, MAYOR OF THE TOWN OF APEX, DO HEREBY PROCLAIM MAY 28, 2022 TO BE AZERBAIJAN REPUBLIC DAY IN TOWN OF APEX and encourage all residents to join in celebrating the many contributions of Azerbaijani Americans.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 10th day of May 2022.

Jacques Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 10, 2022

Item Details

Presenter(s): Mayor and Council

Department(s):

Requested Motion

Presentation of National Safe Boating Week (May 21-27, 2022) Proclamation

Approval Recommended?

Yes

Item Details

Presentation of National Safe Boating Week (May 21-27, 2022) Proclamation and to support the goals of the Safe Boating Campaign.

Attachments

- Proclamation



Town of Apex, North Carolina

PROCLAMATION

From the Office of the Mayor

NATIONAL SAFE BOATING WEEK

WHEREAS, for over 100 million Americans, boating continues to be a popular recreational activity. From coast to coast, and everywhere in between, people are taking to the water and enjoying time together boating, sailing, paddling and fishing. During National Safe Boating Week, the U.S. Coast Guard and its federal, state, and local safe boating partners encourage all boaters to explore and enjoy America's beautiful waters responsibly. Safe boating begins with preparation. The Coast Guard estimates that human error accounts for most boating accidents and that life jackets could prevent nearly 86 percent of boating fatalities. Through basic boating safety procedures - carrying lifesaving emergency distress and communications equipment, wearing life jackets, attending safe boating courses, participating in free boat safety checks, and staying sober when navigating - we can help ensure boaters on America's coastal, inland, and offshore waters stay safe throughout the season. National Safe Boating Week is observed to bring attention to important life-saving tips for recreational boaters so that they can have a safer, more fun experience out on the water throughout the year, and

WHEREAS, on average, 650 people die each year in boating-related accidents in the U.S.; 75 percent of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment or environmental factors; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets.

NOW, THEREFORE, I, JACQUES GILBERT, MAYOR OF THE TOWN OF APEX, DO HEREBY PROCLAIM we support the goals of the Safe Boating Campaign and proclaim May 21-27, 2022 as National Safe Boating Week and the start of the year-round effort to promote safe boating.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 10th day of May 2022, and I urge all those who boat to practice safe boating habits and wear a life jacket at all times while boating

Jacques Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: November 8, 2022

Item Details

Presenter(s): Mayor and Council

Department(s):

Requested Motion

Presentation of Lung Cancer Awareness Month 2022 Proclamation

Approval Recommended?

Yes

Item Details

Presentation of Lung Cancer Awareness Month 2022 Proclamation and recognize the need for research in lung cancer affecting women and lung cancer health disparities, and encourage all citizens to learn about lung cancer and early detection through lung cancer screening.

Attachments

- Proclamation



Town of Apex, North Carolina

PROCLAMATION

From the Office of the Mayor

LUNG CANCER AWARENESS MONTH

WHEREAS, lung cancer is the leading cause of cancer death among men and women in the United States and North Carolina, accounting for more deaths than colon cancer, breast cancer, pancreatic cancer, and prostate cancer combined;

WHEREAS, according to the Centers for Disease Control, there were 41,258 new lung cancer cases and 27,124 deaths because of lung cancer between 2014 and 2018 in North Carolina;

WHEREAS, the 5-year survival rate for localized lung cancer is ~59%, yet only ~17% of lung cancers are diagnosed at this stage;

WHEREAS, screening for lung cancer for high-risk individuals using low-dose computed tomography can lead to the earlier detection of lung cancer and save lives, reducing mortality by 20% when compared to screening by chest x-ray in the National Lung Screening Trial (3) and reducing the risk of death at 10 years by 24% in men and 33% in women as demonstrated by another large randomized trial;

WHEREAS, funding for lung cancer research trails far behind funding for research of many other cancers, and additional research is needed in early diagnosis, screening, and treatment for lung cancer as well as in lung cancer affecting women and lung cancer health disparities;

WHEREAS, lung cancer incidence is decreasing twice as fast in men as it is in women, each year more women die from lung cancer than breast cancer and by 2035, more women will die from lung cancer than men;

WHEREAS, African Americans have the highest lung cancer incidence and mortality of all races, and disparities in lung cancer screening, diagnosis, treatment, and mortality are well characterized among African Americans and other racial minorities.

NOW, THEREFORE, I, JACQUES GILBERT, MAYOR OF THE TOWN OF APEX, DO HEREBY PROCLAIM November 2022 as Lung Cancer Awareness Month in North Carolina, and recognize the need for research in lung cancer affecting women and lung cancer health disparities, and encourage all citizens to learn about lung cancer and early detection through lung cancer screening.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 8th day of November 2022.

Jacques Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 10, 2022

Item Details

Presenter(s): Mayor and Council

Department(s):

Requested Motion

Presentation of National Public Works Week Proclamation

Approval Recommended?

Yes

Item Details

Presentation of the National Public Works Week Proclamation paying tribute to our public works professionals and to recognize the substantial contributions they make to protecting our health, safety, and quality of life.

Attachments

- Proclamation



Town of Apex, North Carolina

PROCLAMATION

From the Office of the Mayor

NATIONAL PUBLIC WORKS WEEK

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Apex; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our residents; and,

WHEREAS, it is in the public interest for the residents and civic leaders in Apex to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs; and,

WHEREAS, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association,

NOW, THEREFORE, I, JACQUES GILBERT, MAYOR OF THE TOWN OF APEX, DO HEREBY PROCLAIM the week of May 15 – 21, 2022 as National Public Works Week; I urge all residents to join us in paying tribute to our public works professionals and to recognize the substantial contributions they make to protecting our health, safety, and quality of life.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 10th day of May 2022.

Jacques Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 10, 2022

Item Details

Presenter(s): Jason Armstrong, Chief of Police

Department(s): Police Department

Requested Motion

Presentation of National Police Week Proclamation

Approval Recommended?

Yes

Item Details

Presentation of the National Police Week Proclamation and acknowledgement of the selfless service provided by the officers of the Apex Police Department.

Attachments

- None



Town of Apex, North Carolina

PROCLAMATION

From the Office of the Mayor

National Police Week 2022

WHEREAS, Congress and the President of the United States have designated May 15, 2022 as "Peace Officers' Memorial Day" and the week in which it falls as "National Police Week"; and

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Apex Police Department; and

WHEREAS, the members of our law enforcement agency of Apex play an essential role in safeguarding the rights and freedoms of our Town; and

WHEREAS, it is important for all citizens to know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 34th Annual Candlelight Vigil on the evening of May 13, 2022;

NOW, THEREFORE, I, Jacques Gilbert, Mayor of the Town of Apex, North Carolina, call upon our citizens and all patriotic, civic, and educational organizations to observe the week of May 15-21, 2022 as NATIONAL POLICE WEEK recognizing all law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities.

I further call upon all citizens to observe May 15, 2022 as "Peace Officers' Memorial Day" to honor our law enforcement officers who have made the ultimate sacrifice in service to their community or have been disabled in the performance of their duties, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 10th day of May 2022.

Jacques Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 10, 2022

Item Details

Presenter(s): Vance Holloman, Finance Director

Department(s): Finance Department

Requested Motion

Presentation of an update on the Town's Customer Assistance Program and the financial condition of the Town's major operating funds.

Approval Recommended?

Yes

Item Details

At its April 27th 2021 meeting the Council established the Town's Customer Assistance Program (CAP) to assist utility customers behind on their bills due to the economic hardships caused by COVID 19. The Town appropriated \$503,000 for assistance, allowing qualified applicants to receive up to \$636 in assistance if they met the CAP's eligibility requirements. The Town contracted with Western Wake Crisis Ministry, Inc. to make eligibility determinations. Assistance was initially given out in June, 2021.

The update will also cover the operating results of the Town's major funds (General Fund, Electric Fund and Water Sewer Fund) through the quarter ended March 31, 2022.

Attachments

- May 10, 2022 Finance Update





Financial Update: Town of Apex

May 10, 2022



Delinquent Accounts as of March 31, 2022

	Residential	Commercial	Total
Amount Delinquent	\$49,879	\$14,450	\$64,329
Number of Accounts	169	30	199
Average Balance	\$295	\$482	\$323
		Delinquent accounts as a percent of cumulative charges	.05%

Accounts with a Payment Plan as of March 31, 2022

PAYMENT PLANS	Number of Customers	Amount Due	Average Balance
Current	270	\$191,275	\$708
Past Due	<u>162</u>	<u>\$159,246</u>	\$983
Total Payment Plans	432	\$350,521	\$811

Past Due Accounts as of December 31, 2021

Fund	Past Due Amount	% of Cumulative Charges
General	\$91,583	.79%
Electric	\$955,397	1.13%
Water Sewer	<u>\$384,608</u>	.90%
Total December 31, 2021	\$1,431,588	1.03%

Summary of CAP Applications and Approvals

	Through April 30, 2022
Number of Applications	285
Number of Applications Approved	274 (96% Approval Rate)
Assistance Given	\$125,981
Average Assistance per Approval	\$460

Approvals by Poverty Level Original Eligibility Standards

% of Poverty Level (Maximum Income Family of 4)	Number of Approvals
0 to 100% (\$27,750)	167
101 to 110% (\$30,525)	10
111 to 120% (\$33,300)	15
121 to 130% (\$36,075)	16
131 to 140% (\$38,850)	17
141 to 150% (\$41,625)	8
151 to 160% (\$44,400)	10
161 to 170% (\$47,175)	4
171 to 180% (\$49,950)	3
181 to 190% (\$52,725)	4
191 to 200% (\$55,500)	3

Approval by Income Level New Eligibility Standards

HUD Area Median Income Raleigh Metro Stat. Area	Number of Approvals
0 to 40% (Family of Four \$30,620)	12
41 to 50% (Family of Four \$38,275)	2
51 to 60% (Family of Four \$45,930)	3
61 to 70% (Family of Four \$53,585)	0
71 to 80% (Family of Four \$61,240)	0

Available Funds as of April 30, 2022

	Original Appropriation	Awarded/Expended	% Awarded/Expended
Assistance	\$509,000	\$125,981	25%
Eligibility Determinations	\$40,675	\$30,931	76%
Total	\$549,675	\$156,912	29%

General Fund Results March 31, 2022

Revenues	Budget	Actual	Percentage
Taxes	\$58,001,300	\$50,990,086	88%
Intergovernmental	7,252,300	4,991,984	69%
Services and Fees	10,344,200	7,908,861	76%
Miscellaneous	430,100	549,050	128%
Transfers In	1,600,000	600,000	38%
Appropriated Fund Balance	<u>5,994,501</u>	<u>-</u>	0%
Total	\$83,622,401	\$65,039,981	78%

General Fund Results (Continued)

Expenditures	Budget	Actual	Percentage
Personnel	\$41,751,345	\$30,261,879	72%
Operations	22,319,035	10,588,860	47%
Capital Outlay	6,576,721	2,531,027	38%
Debt Service	8,136,900	2,935,579	36%
Transfers Out	4,668,400	4,668,400	100%
Contingency	<u>150,000</u>	<u>-</u>	0%
Total	\$83,622,401	\$51,005,745	61%
Net Result of Operations		\$14,034,236	

Electric Operating Fund Results

March 31, 2022

		Budget	Actual	Percentage
Revenues	Sales Revenue	\$41,905,000	\$32,575,076	78%
	Other Revenues	3,871,200	2,989,469	77%
	Fund Balance Appropriated	<u>337,125</u>	<u>0</u>	0%
	Total	<u>\$46,113,325</u>	<u>\$35,564,545</u>	77%
Expenditures	Purchases for Resale	\$28,588,800	\$21,765,819	76%
	Operations	10,780,712	7,638,357	71%
	Capital Outlay	4,225,013	2,528,450	60%
	Transfers Out	1,000,000	1,000,000	100%
	Debt Service	1,248,800	642,625	51%
	Contingency	<u>300,000</u>	<u>0</u>	0%
	Total	<u>\$46,113,325</u>	<u>\$33,575,251</u>	73%
	Net Results		\$1,989,294	

Water Sewer Operating Fund Results

March 31, 2022

		Budget	Actual	Percentage
Revenues	Sales Revenue	\$22,452,000	\$17,196,492	77%
	Other Revenues	758,070	614,999	81%
	Fund Balance Appropriated	<u>1,443,140</u>	<u>0</u>	0%
	Total	<u>\$24,653,210</u>	<u>\$17,811,491</u>	72%
Expenditures	Purchases for Resale	\$ 4,235,000	\$3,280,261	77%
	Operations	12,348,577	7,467,599	60%
	Capital Outlay	2,298,533	822,781	36%
	Debt Service	3,721,000	463,468	12%
	Transfers Out	1,900,000	900,000	47%
	Contingency	<u>150,000</u>	<u>-</u>	0%
	Total	<u>\$24,474,460</u>	<u>\$12,934,108</u>	52%
		Net Results	\$4,877,383	

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: May 10, 2022

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Jessica and Abel Figueroa property containing 5.88 acres located at 804 and 808 Wimberly Road, Wake County, Annexation 723 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition



TOWN OF APEX
OFFICE OF THE TOWN CLERK
PO Box 250, Apex, North Carolina 27502
Phone (919) 249-3303 Fax (919) 249-3305
E-mail: julie.reid@apexnc.org

PUBLIC NOTICE

The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at 6:00 p.m. at Apex Town Hall, 73 Hunter Street, on the 10th day of May, 2022, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition #723
804 and 808 Wimberly Road



Julie Reid
Interim Town Clerk

Post dates April 27, 2022 thru May 10, 2022



TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

After recording, please return to:
Town Clerk
Town of Apex
P.O. Box 250
Apex, NC 27502

ORDINANCE NO. 2022-0510-10
ANNEXATION PETITION NO. #723
804 and 808 Wimberly Road

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF APEX, NORTH CAROLINA
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S. § 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on May 10, 2022, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notices-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S. § 160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S. § 160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on April 26, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled Annexation Plat for the Town of Apex (Property of Jessica and Abel Figueroa), dated November 11, 2021" and recorded in Book of Maps book number 2022 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§ 160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 10th day of May, 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Julie Reid
Interim Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

A portion of that certain parcel of land, situated in White Oak Township, Wake County, State of North Carolina, Recorded in Deed Book 16154 Page 548 in the Wake County Registry, and more particularly described as follows:

Lot #

Beginning at a point in the southeastern corner of the lot situated at 808 Wimberly Road, Apex, North Carolina, said point being an Iron Pipe Found at the Right of Way of Wimberly Road, and being the Point and Place of **BEGINNING**. Thence from said point N 88°36'02" W

653.72 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 50°05'13" W 14.38 feet to a Computed Point, thence from said point N 19°58'44" W 41.06 feet to a Computed Point, thence from said point N 09°04'28" W 41.51 feet to a Computed Point, thence from said point N 31°25'34" W 38.28 feet to a Computed Point, thence from said point N 15°13'02" W 37.28 feet to a Computed Point, thence from said point N 41°43'58" W 23.91 feet to a Computed Point, thence from said point N 00°40'17" W 46.42 feet to a Computed Point, thence from said point N 03°19'31"W 36.43 feet to a Computed Point, thence from said point N 05°18'36"E 48.53 feet to a Computed Point, thence from said point N 13°30'07"W 21.02 feet to a Computed Point, thence from said point N 21°46'00"E 31.17 feet to a Computed Point, thence from said point S 71°16'22"E 11.45 feet to a Computed Point, thence from said point N 15°56'21"E 10.81 feet to a Computed Point, thence from said point N 83°01'58"E 180.69 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 40°20'30"E 312.47 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 84°24'39"E 154.87 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 69°24'36"E 99.34 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 20°35'24"E 226.73 feet to an Iron Pipe Found and being the Point and Place of **BEGINNING** containing 174,327 square feet and 4.00 acres.

Lot #2

Beginning at a point in the northeastern corner of the lot situated at 804 Wimberly Road, Apex, North Carolina, said point being an Iron Pipe Found at the Right of Way of Wimberly Road, and being the Point and Place of **BEGINNING**. Thence from said point S 25°21'11" E 77.64 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 20°35'24" E 172.44 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 69°24'36" W 99.34 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 84°24'39" W 154.87 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 40°20'30" W 312.47 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 83°01'58" E 358.16 feet to an Iron Pipe Found and being the Point and Place of **BEGINNING** containing 80,240 square feet and 1.84 acres.

Wimberly Road Right-of-Way

Beginning at a point in the southeastern corner of the lot situated at 804 Wimberly Road, Apex, North Carolina, said point being an Iron Pipe Found at the Right of Way of Wimberly Road, thence from said point N 20°35'24" W 11.19 feet to a Computed Point, and being the Point and Place of **BEGINNING**. Thence from said point N 20°35'24" W 32.36 feet to a Computed Point, thence from said Computed Point S 69°24'36" W 59.77 feet to a Computed Point, thence from said Computed Point S 19°38'07" E 32.37 feet to a Computed Point, thence from said Computed Point N 69°24'36" E 59.24 feet to a Computed Point and being the Point and Place of **BEGINNING** containing 1,926 square feet and 0.04 acres.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Julie Reid, Interim Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2022-0510-10, adopted at a meeting of the Town Council, on May 10, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 10th day of May, 2022.

Julie A. Reid
Interim Town Clerk

(SEAL)

A portion of that certain parcel of land, situated in White Oak Township, Wake County, State of North Carolina, Recorded in Deed Book 16154 Page 548 in the Wake County Registry, and more particularly described as follows:

Lot#1

Beginning at a point in the southeastern corner of the lot situated at 808 Wimberly Road, Apex, North Carolina, said point being an Iron Pipe Found at the Right of Way of Wimberly Road, and being the Point and Place of **BEGINNING**. Thence from said point N 88°36'02" W 653.72 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 50°05'13" W 14.38 feet to a Computed Point, thence from said point N 19°58'44" W 41.06 feet to a Computed Point, thence from said point N 09°04'28" W 41.51 feet to a Computed Point, thence from said point N 31°25'34" W 38.28 feet to a Computed Point, thence from said point N 15°13'02" W 37.28 feet to a Computed Point, thence from said point N 41°43'58" W 23.91 feet to a Computed Point, thence from said point N 00°40'17" W 46.42 feet to a Computed Point, thence from said point N 03°19'31"W 36.43 feet to a Computed Point, thence from said point N 05°18'36"E 48.53 feet to a Computed Point, thence from said point N 13°30'07"W 21.02 feet to a Computed Point, thence from said point N 21°46'00"E 31.17 feet to a Computed Point, thence from said point S 71°16'22"E 11.45 feet to a Computed Point, thence from said point N 15°56'21"E 10.81 feet to a Computed Point, thence from said point N 83°01'58"E 180.69 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 40°20'30"E 312.47 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 84°24'39"E 154.87 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 69°24'36"E 99.34 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 20°35'24"E 226.73 feet to an Iron Pipe Found and being the Point and Place of **BEGINNING** containing 174,327 square feet and 4.00 acres.

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Annexation #723

Castleberry Rd

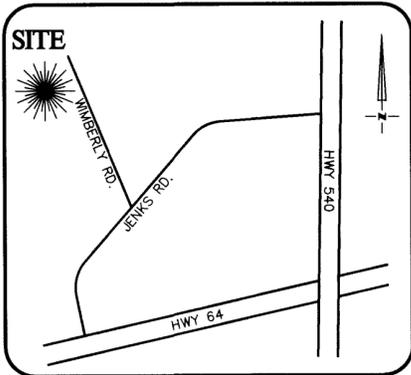
Wimberly Rd

Cloverdale Rd

Castleberry Estates

Hawker St





VICINITY MAP
Not To Scale

LEGEND

- PROPERTY LINE
- - - ADJACENT PROPERTY LINES
- - - EASEMENT LINE
- IPS ● - IRON PIN SET
- EIP ○ - EXISTING IRON PIPE
- CP ○ - CALCULATED POINT
- DB - DEED BOOK
- PB - BOOK OF MAPS/PLAT BOOK
- PG - PAGE
- #804 - STREET ADDRESS

OWNER INFORMATION

ABEL FIGUEROA &
WIFE, JESSICA FIGUEROA
804 WIMBERLY ROAD
APEX, NC 27523

TOWN CLERK CERTIFICATION

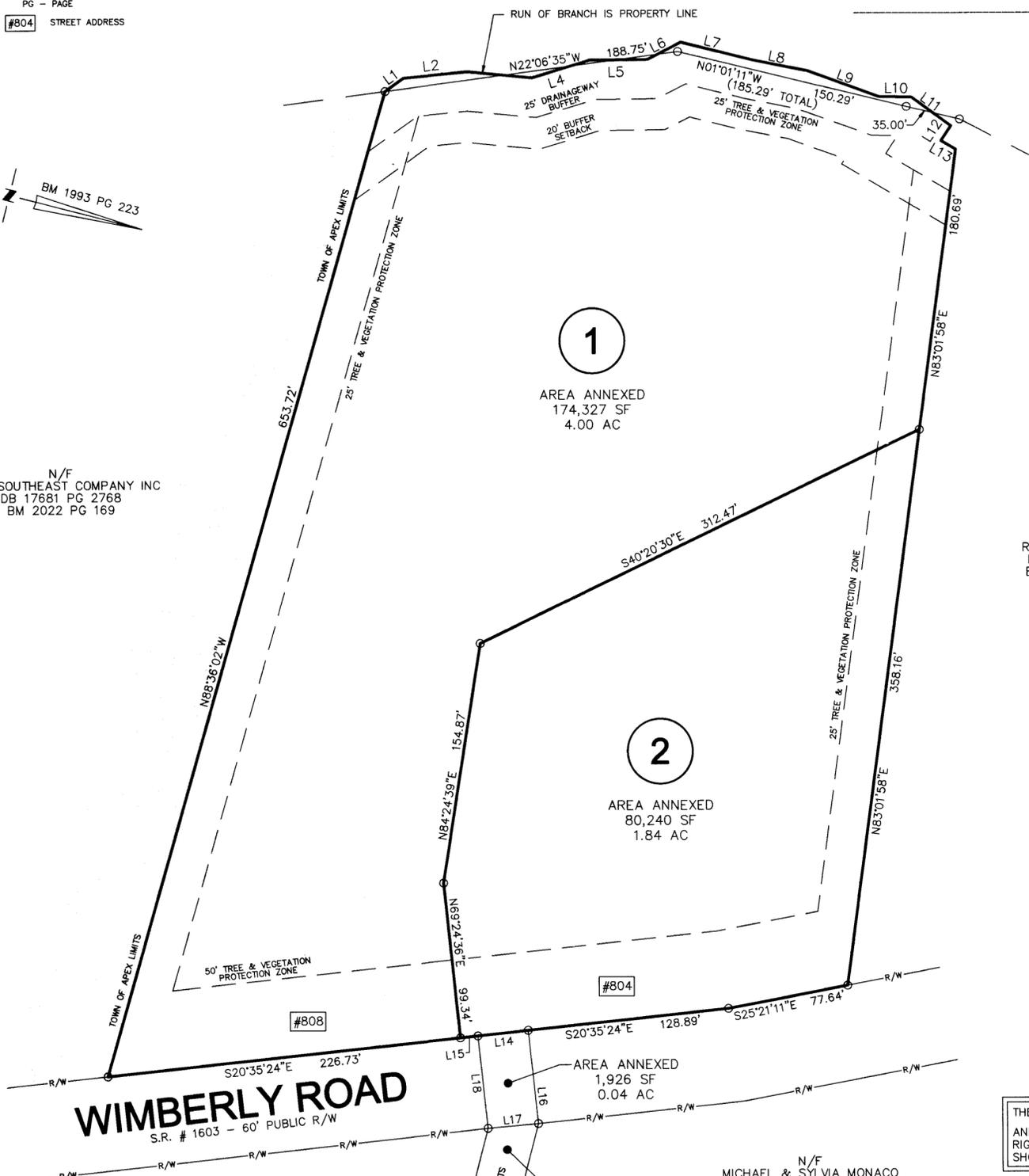
ANNEXATION # _____
I, _____ TOWN CLERK, APEX, NORTH CAROLINA
CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE ____ DAY OF _____
____ BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX,
____ DAY/MONTH/YEAR
____ TOWN CLERK

GENERAL NOTES

1. AREAS COMPUTED BY COORDINATE METHOD.
2. BASIS OF BEARINGS: BM1993 PG 223, WAKE COUNTY REGISTRY.
3. NO PORTION OF THIS TRACT IS LOCATED WITHIN THE 100-YR. FLOOD ZONE PER FEMA FIRM MAP #3720072300J EFFECTIVE DATE MAY 2, 2006.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
5. METAL STAKES SET AT ALL CORNERS UNLESS NOTED OTHERWISE.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY BE SUBJECT TO ANY MATTERS THAT A FULL TITLE SEARCH WOULD DISCLOSE.
7. NO N.C. GRID MONUMENT RECOVERED WITHIN 2,000 FT. OF SITE.
8. THIS PLAT IS FOR ANNEXATION PURPOSES ONLY AND IS NOT INTENDED TO BE A BOUNDARY PLAT

LINE	BEARING	DISTANCE
L1	S 50°05'13" E	14.38
L2	S 19°58'44" E	41.06
L3	N 09°04'28" W	41.51
L4	S 31°25'34" E	38.28
L5	S 15°13'02" E	37.28
L6	N 41°43'58" W	23.91
L7	N 00°40'17" W	46.42
L8	S 03°19'31" E	36.43
L9	S 05°18'36" W	48.53
L10	S 13°30'07" E	21.02
L11	S 21°46'00" W	31.17
L12	N 71°18'22" W	11.45
L13	S 15°56'21" W	10.81
L14	S 20°35'24" E	32.36
L15	S 20°35'24" E	11.19
L16	S 69°24'36" W	59.77
L17	S 19°38'07" E	32.37
L18	N 69°24'36" E	59.24

N/F
TOLL SOUTHEAST COMPANY INC
DB 17681 PG 2768
BM 2022 PG 169



1
AREA ANNEXED
174,327 SF
4.00 AC

2
AREA ANNEXED
80,240 SF
1.84 AC

N/F
ROBERT DEMARTINO
DB 9066 PG 1401
BM 1993 PG 223

N/F
MICHAEL & SYLVIA MONACO
DB 8986 PG 2237
BM 2000 PG 1272

N/F
WEDDINGTON OWNERS
ASSOCIATION INC
DB 17626 PG 2546
BM 2019 PG 1661

N/F
LEE & JANET DOWNS
TRUSTEE
DB 16255 PG 448
BM 1989 PG 424

SURVEYOR'S CERTIFICATION:

I, DEAN M. RHOADS, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING DEED DESCRIPTIONS, AND REFERENCES AS SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED USING DEED DESCRIPTIONS AND SHOWN AS BROKEN LINES;

THIS FIELD SURVEY MEETS THE REQUIREMENTS OF AN URBAN LAND SURVEY (CLASS A) AS DEFINED WITHIN THE NORTH CAROLINA ADMINISTRATIVE CODE, TITLE 21, CHAPTER 56, SECTION .1600 "STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA".

THE RATIO OF PRECISION WAS PERFORMED TO A MINIMUM LINEAR PRECISION RATIO OF 1:10,000.

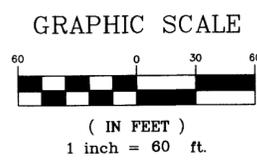
MISCLOSURE WAS DISTRIBUTED BY LEAST SQUARE ADJUSTMENT. AREAS SHOWN WERE CALCULATED BY COORDINATE COMPUTATION. THAT ONE OF THE FOLLOWING SIX (6) CATEGORIES APPLIES TO THIS SURVEY. THE CATEGORY THAT APPLIES IS DENOTED BY ("X") THE REMAINING 5 CATEGORIES ARE NONAPPLICABLE.

- 1: _____ THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- 2: _____ THAT THIS SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- 3: _____ THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
- 4: _____ THAT THIS SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE.
- 5: _____ THAT THIS SURVEY IS A CONTROL SURVEY.
- 6: THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS
DATE 3/22/22
BY Dean Rhoads (PLS)
DEAN M. RHOADS, N.C. PLS L-4679



THE PURPOSE OF THIS PLAT IS TO:
ANNEX LOTS 1, 2, AND A PORTION OF THE RIGHT OF WAY INTO THE TOWN OF APEX AS SHOWN HEREON.



RECORDED IN BOOK OF MAPS _____ PAGE _____, WAKE COUNTY

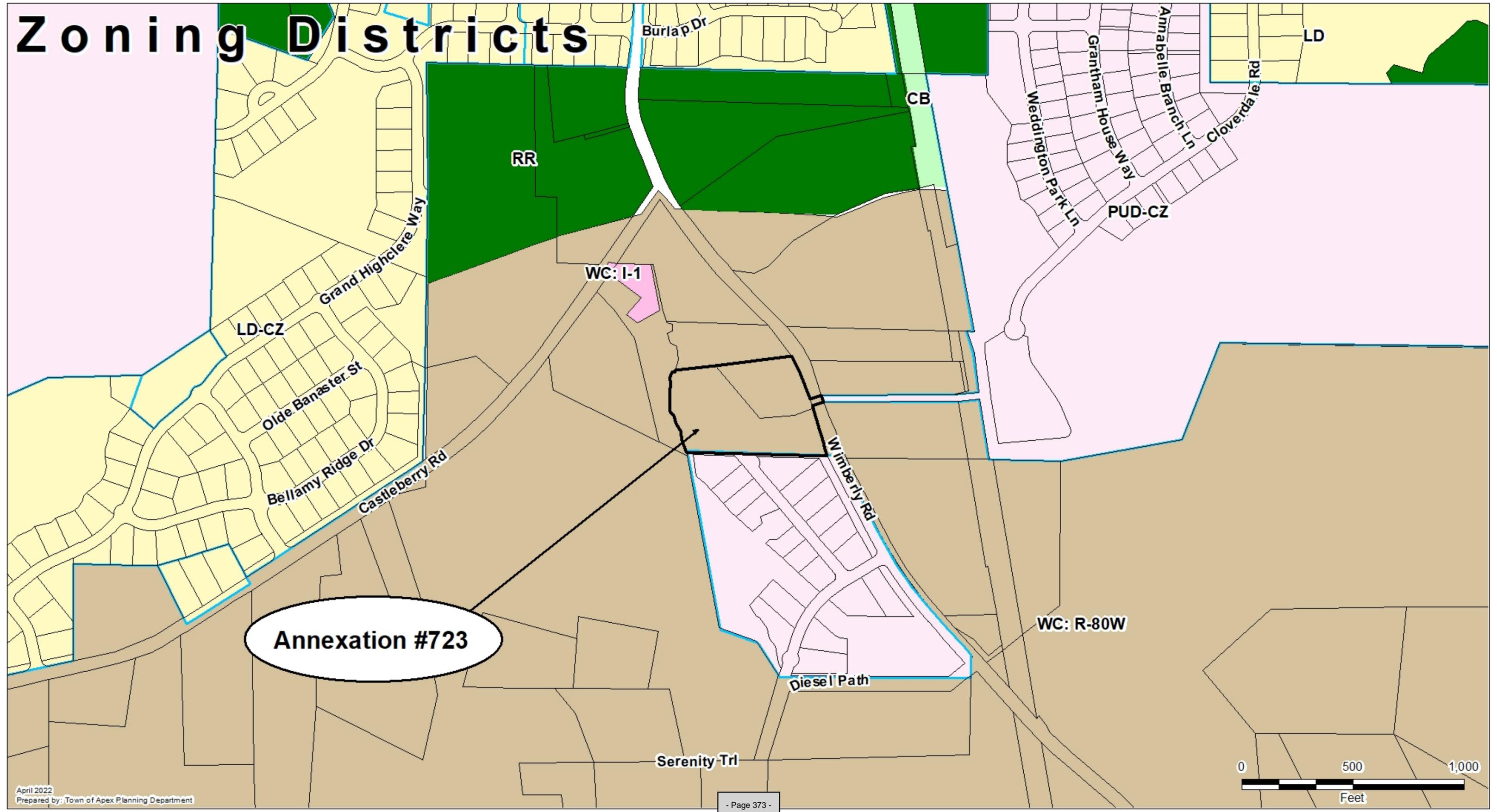
**RESIDENTIAL
LAND SERVICES, PLLC.**
1917 EVANS ROAD
CARY, NORTH CAROLINA 27513
PHONE: (919) 378-9316
FIRM LICENSE NO. P-0873
ENGINEERS - SURVEYORS - PLANNERS

**ANNEXATION PLAT
FOR THE TOWN OF APEX**
804 & 808
WIMBERLY ROAD
LEGAL REFERENCE: BM 1993 PG 223
White Oak Township, Wake County, North Carolina

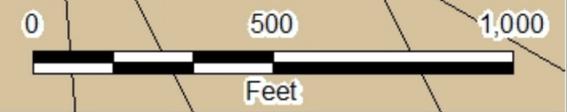
**PROPERTY OF:
JESSICA & ABEL FIGUEROA**
804 WIMBERLY ROAD
APEX, NORTH CAROLINA 27523
PIN NO. 072323252
REAL ESTATE ID 0182266

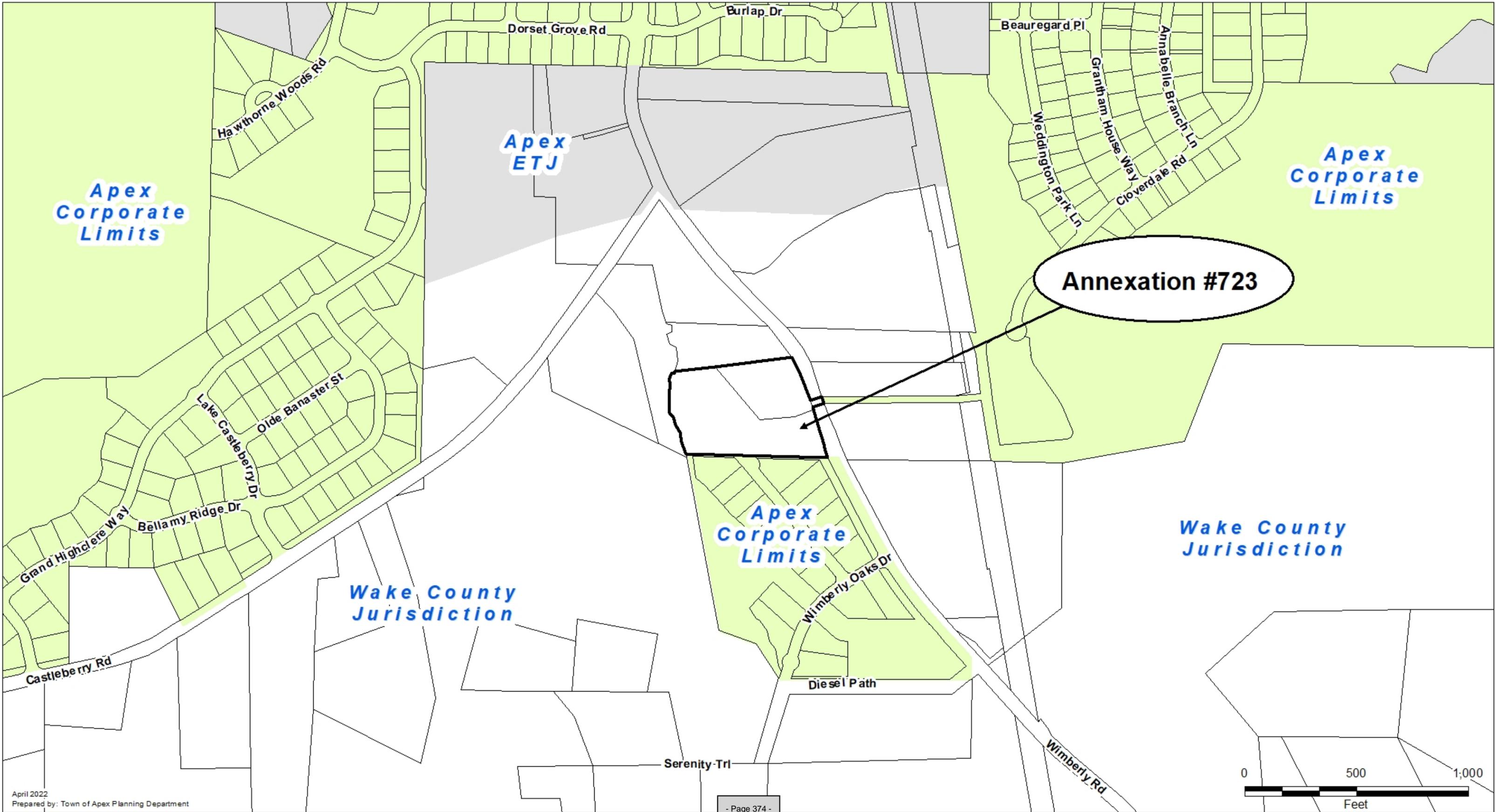
DRAWN BY:	ARP
REVIEWED BY:	DMR
DATE:	NOVEMBER 22, 2021
SCALE:	1" = 60'
FILE NO.:	WIMBERLY RD
REV. NO.:	NONE
SHEET NO.	1 OF 1

Zoning Districts



Annexation #723





**Apex
Corporate
Limits**

**Apex
ETJ**

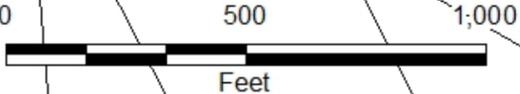
**Apex
Corporate
Limits**

Annexation #723

**Apex
Corporate
Limits**

**Wake County
Jurisdiction**

**Wake County
Jurisdiction**



PETITION FOR VOLUNTARY ANNEXATION

Town of Apex, North Carolina



ANNEXATION PETITION SUBMISSION: Applications are due by 12:00 pm on the first business day of each month. See the "[Annexation Petition Schedule](#)" on the website for details.

ANNEXATION FEE: \$200.00

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1. A petition submitted pursuant to North Carolina General Statute 160A-58.1 need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

HARD COPY SUBMITTAL REQUIREMENTS:

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee

ELECTRONIC SUBMITTAL REQUIREMENTS: [IDT Plans](#)

- Town of Apex Petition for Annexation
- Written Metes and Bounds Legal Description: Submit original PDF. Scanned documents will not be accepted.
- Electronic plat submittal (18" x 24")

REVIEW AND APPROVAL PROCESS:

- **SUBMITTAL:** Submit hard copy application with original wet signatures (no photo copies or scanned images) and fee to the Department of Planning and Community Development and upload an electronic copy of the application, legal description and Annexation Plat via [IDT Plans](#).
- **REVIEW BY STAFF:** The Planning and Community Development Department and Development Services Department review the annexation submission. Comments will be sent to the applicant via email.
- **DESIGNATION OF ANNEXATION NUMBER:** The application is assigned an annexation number once the annexation petition is received.
- **ANNEXATION PLAT SUBMISSION:** After the map and legal description are deemed sufficient by the Town of Apex, the applicant is required to submit three (3) Mylar annexation plats to the Department of Planning and Community Development by the due date on the attached Annexation Schedule.
- **1ST TOWN COUNCIL MEETING:** This Town Council Meeting is typically held the second Tuesday of each month. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.
- **LEGAL ADVERTISEMENT:** A legal advertisement will be published on the Town of Apex's website no more than 25 days and no less than 10 days prior to the date of the public hearing.
- **2ND TOWN COUNCIL MEETING/PUBLIC HEARING:** This Town Council Meeting is typically held the fourth Tuesday of each month. The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Apex.
- **RECORDATION:** If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plats recorded at the Wake County or Chatham County Register of Deeds, as appropriate. Wake County or Chatham County will keep one of the recorded plats, one copy will be returned to the Department of Planning and Community Development, and the surveying company is given the remaining recorded Annexation Plat.

FOR WELL AND/OR SEPTIC FAILURES:

If the purpose of the petition is to connect to public water and/or sewer, contact Water Resources Director Michael Deaton at 919-249-3413 or michael.deaton@apexnc.org to confirm that public water and/or sewer is available to the property. In order to receive public water and/or sewer services from the Town of Apex, refer to the checklist of items below to assist with obtaining one or both of these services:

- Apply for a plumbing permit with the Building Inspections and Permitting Department.
- The plumbing permit and associated costs for water and/or sewer will be included with the permit.

Please refer to the [Town of Apex Fee Schedule](#) for the list of current fees.

PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: _____ Submittal Date: _____
Fee Paid \$ _____ Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, Chatham County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

OWNER INFORMATION

Abel & Jessica Figueroa Owner Name (Please Print)	0723230271 Property PIN or Deed Book & Page #
(919) 960-3791 Phone	abel@artisanqualityroofing.com E-mail Address
Abel & Jessica Figueroa Owner Name (Please Print)	0723232326 Property PIN or Deed Book & Page #
(919) 960-3791 Phone	abel@artisanqualityroofing.com E-mail Address
_____ Owner Name (Please Print)	_____ Property PIN or Deed Book & Page #
_____ Phone	_____ E-mail Address

SURVEYOR INFORMATION

Surveyor: Dean Rhoads, PLS-Residential Land Services
Phone: (919) 378-9316 Fax: _____
E-mail Address: dean@rls-nc.com

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>5.84</u>	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: <u>8</u>	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>2</u>	Water service (new construction) <input checked="" type="checkbox"/>
Proposed # of housing units: <u>2</u>	Sewer service (new construction) <input checked="" type="checkbox"/>
Zoning District*: <u>RR (CZ)</u>	Receive Town Services <input checked="" type="checkbox"/>

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Department of Planning and Community Development with questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Abel Figueroa

 Please Print

Jessica Figueroa

 Please Print

 Please Print

 Please Print

 Signature

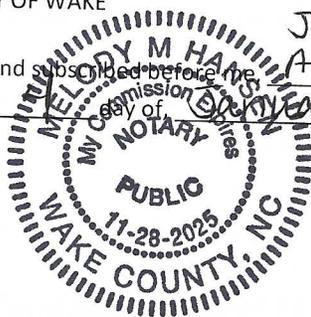
 Signature

 Signature

 Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jessica Figueroa
Abel Louis Figueroa, a Notary Public for the above State and County,
 this the 02 day of January, 2020.



 Notary Public

My Commission Expires: November 28, 2025

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the _____ day of _____, 20____.

SEAL Corporate Name _____

Attest: _____
By: _____
President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

SEAL _____
Notary Public

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, _____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Limited Liability Company _____

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the ____ day of _____, 20 ____.

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the ____ day of _____, 20 ____.

Notary Public

SEAL

My Commission Expires: _____

FOR APPLICANT USE ONLY

PLEASE DO NOT INCLUDE THIS CHECKLIST WITH YOUR APPLICATION SUBMITTAL

COMMON ACRONYMS/DEFINITIONS			
IDT Website	Contractor’s Plan Room	UDO	Town’s Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	DDM	Design & Development Manual
CONTACT INFORMATION			
Department of Planning and Community Development	(919) 249-3426	Soil & Erosion Control Officer	(919) 249-1166
Parks, Recreation, and Cultural Resources Department	(919) 372-7468	Electric Utilities Department	(919) 249-3342
Transportation Engineer	(919) 249-3358	Stormwater & Utility Engineering	(919) 249-3413

#	REQUIRED PLAT ITEMS
1	The exact boundary lines of the area to be annexed fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2	Show and label any utility easements with metes and bounds.
3	Accurate locations and descriptions of all monuments, markers, and control points.
4	Ultimate right-of-way widths on all streets.
5	Entitle “ANNEXATION MAP for the TOWN OF APEX” or “SATELLITE ANNEXATION MAP for the TOWN OF APEX”, as appropriate.
6	Name of property owner.
7	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9	Names of the township, county, and state.
10	A detailed vicinity map.
11	Include address of property if assigned.
12	Show all contiguous or non-contiguous town limits.
13	<p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____</p> <p style="text-align: center;">Day/Month/Year</p> <p style="text-align: right;">_____ Donna B. Hosch, MMC, NCCMC, Town Clerk</p> <p style="text-align: center;">-Seal-</p>
14	Leave 2 inch by 2 inch space for the Wake County or Chatham County Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 10, 2022

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning and Community Development

Requested Motion

Continued from the April 26, 2022 Town Council meeting.

Public Hearing and possible motion to approve Rezoning Application #22CZ04 804 & 808 Wimberly Road and Ordinance. The applicant, Zak Shipman, Shipman Engineering, PLLC., seeks to rezone approximately 5.84 acres from Wake County Residential-80W (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 804 & 808 Wimberly Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on April 11, 2022 and unanimously recommended approval with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0723230271 & 0723232326.

Attachments

- Staff Report
- Vicinity Map
- Application



STAFF REPORT

Rezoning #22CZ04 804 & 808 Wimberly Road
804 & 808 Wimberly Road

May 10, 2022 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 804 & 808 Wimberly Road

Applicant/Owners: Zak Shipman, PE, Shipman Engineering, PLLC. /Abel & Jessica Figueroa

PROJECT DESCRIPTION:

Acreage: ±5.84 acres

PINs: 0723230271 & 0723232326

Current Zoning: Wake County Residential-80W (R-80W)

Proposed Zoning: Rural Residential-Conditional Zoning (RR-CZ)

Current 2045 Land Use Map: Rural Density Residential

Town Limits: Outside ETJ (annexation is required at time of rezoning)

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Residential-80W (R-80W)	Single-family Residential
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ23)	Single-family Residential (Castleberry Estates Subdivision)
East:	Wake County Residential-80W (R-80W); Planned Unit Development Conditional Zoning (PUD-CZ #15CZ26)	Single-family Residential Wimberly Road
West:	Wake County Residential-80W (R-80W)	Vacant

Existing Conditions:

The subject properties total ±5.84 acres and are located on the west side of Wimberly Road and north of the Castleberry Estates subdivision. There are residential structures located on both properties.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on January 10, 2022. The neighborhood meeting report is attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that school at elementary and middle grade level within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at middle grade levels.

STAFF REPORT

Rezoning #22CZ04 804 & 808 Wimberly Road
804 & 808 Wimberly Road

May 10, 2022 Town Council Meeting



2045 LAND USE MAP:

The 2045 Land Use Map identifies the subject property as Rural Density Residential. The proposed rezoning to Rural Residential-Conditional Zoning (RR-CZ) is not consistent with that land use classification. If the properties are rezoned as proposed, the 2045 LUM will automatically be amended to Low Density Residential per NCGS 160D-605(a).

PROPOSED ZONING CONDITIONS:

Limitation of Uses:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

Permitted Uses and Limitations:

1. Single-family (P)
2. Accessory apartment (P)

Conditions:

1. A maximum of 0.75 dwelling units per acre are permitted.
2. A minimum front setback of 65 feet from the current Wimberly Road right-of-way for all residences.
3. Outdoor lighting shall be full cut-off and shielded to prevent glare and light spillover to minimize the impact on neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3,000k.
4. The project shall install light timers, motion sensors, or other smart technology for all exterior lighting for the residences.
5. All single family detached homes shall be pre-configured with conduit for a solar energy system.
6. An additional 25 feet of riparian buffer shall be observed on the existing stream on the rear of the lot if it is intermittent, or 50 feet of buffer if it is ephemeral.
7. Vinyl siding is not permitted; however vinyl windows, decorative elements, and trim are permitted.
8. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
9. Eaves shall project at least 12 inches from the wall of the structure.
10. Garage doors shall have windows or decorative details on them.
11. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
12. House entrances for units with front-facing single car garages shall have a prominent covered porch/stoop area leading to the front door.
13. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
14. Front porches shall be a minimum of 6 feet deep.
15. The number of private driveways accessing Wimberly Road shall not be increased from the existing two (2) driveways.
16. The visible side of a home on a corner lot facing the public street shall contain at least three

STAFF REPORT

Rezoning #22CZ04 804 & 808 Wimberly Road
804 & 808 Wimberly Road

May 10, 2022 Town Council Meeting



decorative elements such as, but not limited to:

- a. Windows
- b. Bay Window
- c. Recessed Window
- d. Trim around the windows
- e. Two or more building materials
- f. Decorative Brick/Stone
- g. Decorative Trim
- h. Decorative Shake
- i. Decorative air vents on gable
- j. Decorative gable
- k. Column
- l. Portico
- m. Dormer

EAB RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on January 20, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
An additional 25-feet of riparian buffer shall be observed on the existing stream on the rear of the lot if it is intermittent or 50-feet of buffer if it is ephemeral.	Added
Exterior lighting color temperature of 3000k or less	Added
All exterior lighting includes timers or light sensors	Added
Include solar conduit in a new building design	Added

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on April 11, 2022 and unanimously recommended approval with conditions as proposed by the applicant.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ04 with the conditions as offered by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map designates the subject properties as Rural Density Residential. If the properties are rezoned as proposed, the 2045 LUM will automatically be amended to Low Density Residential per NCGS 160D-605(a). The current density of the properties to be rezoned is greater than the one (1) unit per five (5) acres supported by the current LUM classification. Furthermore, the density of the Castleberry Estates subdivision to the south is one (1) unit per acre as it was rezoned before the density supported by the Rural Density Residential land use classification was reduced with the adoption of Advance Apex. The proposed rezoning is reasonable as the applicant has proposed a density of 0.75 units per acre which is lower than the subdivision to the south.

The proposed rezoning is reasonable and in the public interest because it will permit single-family residential development consistent and compatible with the surrounding area. In addition, the proposed rezoning will allow the properties to connect to Town water and sewer services.

STAFF REPORT

Rezoning #22CZ04 804 & 808 Wimberly Road
804 & 808 Wimberly Road

May 10, 2022 Town Council Meeting



CONDITIONAL ZONING STANDARDS:

The Town Council shall find the RR-CZ designation demonstrates compliance with the following standards.
2.3.3.F:

Legislative Considerations

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



Rezoning #22CZ04

Weddington

Cloverdale Rd

Wimberly Rd

Castleberry Rd

Hawker St

Wimberly Trace



PETITION TO AMEND THE OFFICIAL ZONING MAP

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 22 CZ04 Submittal Date: 2/1/22
Fee Paid: _____

Project Information

Project Name: 804 & 808 Wimberly Road Rezoning

Address(es): 804 & 808 Wimberly Road

PIN(s): 0723230271 & 0723232326

Acreage: 5.84

Current Zoning: R-80W (Wake Co.) Proposed Zoning: RR-CZ

Current 2045 LUM Classification(s): Rural Density Residential

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use: Acreage: _____

Area proposed as non-residential development: Acreage: _____

Percent of mixed use area proposed as non-residential: Percent: _____

Applicant Information

Name: Abel and Jessica Figueroa

Address: 808 Wimberly Road

City: Apex State: NC Zip: 27523

Phone: (919) 960-3791 E-mail: abel@artisanqualityroofing.com

Owner Information

Name: Abel and Jessica Figueroa

Address: 808 Wimberly Road

City: Apex State: NC Zip: 27523

Phone: (919) 960-3791 E-mail: abel@artisanqualityroofing.com

Agent Information

Name: Zak Shipman, PE-Shipman Engineering, PLLC

Address: 137 Middlegreen Place

City: Holly Springs State: NC Zip: 27540

Phone: (919) 900-0006 E-mail: zak@shipmanengineering.com

Other contacts: _____

PETITION INFORMATION

Application #: 22CZ04 Submittal Date: 2/1/22

An application has been duly filed requesting that the property described in this application be rezoned from R-80W (Wake Co.) to RR-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

1	Single Family	21	
2	Accessory apartment	22	
3		23	
4		24	
5		25	
6		26	
7		27	
8		28	
9		29	
10		30	
11		31	
12		32	
13		33	
14		34	
15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

PETITION INFORMATION

Application #: 22CZ04 Submittal Date: 2/1/22

3) Zoning district supplemental standards. The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.

The proposed development and recombination is for single family detached residences and complies with all the applicable Supplemental Standards noted in Section 4.4.

4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

The project does not create any adverse impact on adjacent lands for the following reasons. We are proposing a recombination of the site to move lot lines around without adding additional lots. The result will be that the second lot, which is currently vacant, will be adjusted such that a residence can be built with greater setbacks to adjacent properties and more opportunity to preserve existing features, vegetation, etc.

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The proposed zoning district allows for construction of single family residential units while protecting environmental resources. No stream, riparian buffer, or wetland impacts are proposed, and the second residence will be constructed in such a way to preserve a significant portion of the existing vegetation on the site.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

The proposed zoning district creates minimal impact on public facilities and services. Two new single family residences will be connected to the public water and gravity sewer infrastructure. There are currently two existing lots on record here, and we are not proposing any new lots at this time. Therefore we believe impact to parks, schools, and emergency services are negligible.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

The proposed zoning district does not create adverse effects on the health, safety, and welfare of the residents of the Town. There are currently two lots recorded in this area, and our intent is to retain two lots and connect to Town services in a manner consistent with existing development in this area.

PETITION INFORMATION

Application #: 22CZ04 Submittal Date: 2/1/22

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

We do not believe the proposed zoning district is detrimental to adjacent properties. Development as an RR-CZ district allows for orderly construction of the second residence while maintaining significant existing vegetation, buffers, setbacks, and other screening from adjacent property using the existing tree cover.

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

The proposed zoning district does not create a nuisance due to noise or other impacts. Since there are two lots on record and we are not creating any additional lots, traffic and noise levels should remain consistent with current levels associated to the property.

10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

We believe that the intent and standards of the Ordinance are met by using the RR-CZ zoning district in this location. Development of the lots meets the applicable provisions of the ordinance for layout, Town services, environmental considerations, etc.

804 & 808 Wimberly Road Rezoning Petition-Proposed Conditions

1. A maximum of 0.75 dwelling units per acre are permitted.
2. A minimum front setback of 65 feet from the current Wimberly Road right-of-way for all residences.
3. Outdoor lighting shall be full cut-off and shielded to prevent glare and light spillover to minimize the impact on neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3,000k.
4. The project shall install light timers, motion sensors, or other smart technology for all exterior lighting for the residences.
5. All single family detached homes shall be pre-configured with conduit for a solar energy system.
6. An additional 25 feet of riparian buffer shall be observed on the existing stream on the rear of the lot if it is intermittent, or 50 feet of buffer if it is ephemeral.
7. Vinyl siding is not permitted; however vinyl windows, decorative elements, and trim are permitted.
8. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
9. Eaves shall project at least 12 inches from the wall of the structure.
10. Garage doors shall have windows or decorative details on them.
11. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
12. House entrances for units with front-facing single car garages shall have a prominent covered porch/stoop area leading to the front door.
13. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
14. Front porches shall be a minimum of 6 feet deep.
15. The number of private driveways accessing Wimberly Road shall not be increased from the existing two (2) driveways.
16. The visible side of a home on a corner lot facing the public street shall contain at least three decorative elements such as, but not limited to:
 - a. Windows
 - b. Bay Window
 - c. Recessed Window
 - d. Trim around the windows
 - e. Two or more building materials
 - f. Decorative Brick/Stone
 - g. Decorative Trim
 - h. Decorative Shake
 - i. Decorative air vents on gable
 - j. Decorative gable
 - k. Column
 - l. Portico
 - m. Dormer

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Abel and Jessica Figueroa is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 804 & 808 Wimberly Road

The agent for this project is: Shipman Engineering, PLLC

I am the owner of the property and will be acting as my own agent

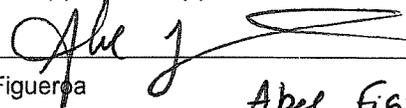
Agent Name: Zak Shipman, PE

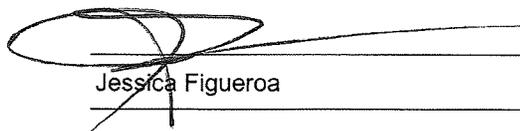
Address: 137 Middlegreen Place, Holly Springs, NC 27540

Telephone Number: (919) 900-0006

E-Mail Address: zak@shipmanengineering.com

Signature(s) of Owner(s)*


Abel Figueroa Abel Figueroa 1/4/22
Type or print name Date


Jessica Figueroa Jessica Figueroa 1/4/22
Type or print name Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

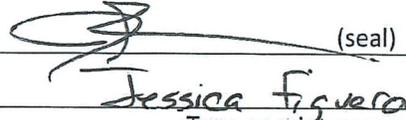
Application #: 22CZ04

Submittal Date: 2/1/22

The undersigned, Abel and Jessica Figueroa (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 804 & 808 Wimberly Road, Apex, NC 27523 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated September 2, 2015, and recorded in the Wake County Register of Deeds Office on September 17, 2015, in Book 016154 Page 00548-00550.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on September 2, 2015, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on September 2, 2015, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 4 day of Jan, 20 22.


Abel Figueroa
 (seal)
Jessica Figueroa
 Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Abel Figueroa, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Jessica Figueroa, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Jyandher K Cheema
 Notary Public
 State of North Carolina
 My Commission Expires: Nov, 9-2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ04

Submittal Date: 2/1/22

Insert legal description below.

A portion of that certain parcel of land, situated in White Oak Township, Wake County, State of North Carolina, Recorded in Deed Book 16154 Page 548 in the Wake County Registry, and more particularly described as follows:

Lot #1

Beginning at a point in the southeastern corner of the lot situated at 808 Wimberly Road, Apex, North Carolina, said point being an Iron Pipe Found at the Right of Way of Wimberly Road, and being the Point and Place of **BEGINNING**. Thence from said point N 88°36'02" W 653.72 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 50°05'13" W 14.38 feet to a Computed Point, thence from said point N 19°58'44" W 41.06 feet to a Computed Point, thence from said point N 09°04'28" W 41.51 feet to a Computed Point, thence from said point N 31°25'34" W 38.28 feet to a Computed Point, thence from said point N 15°13'02" W 37.28 feet to a Computed Point, thence from said point N 41°43'58" W 23.91 feet to a Computed Point, thence from said point N 00°40'17" W 46.42 feet to a Computed Point, thence from said point N 03°19'31"W 36.43 feet to a Computed Point, thence from said point N 05°18'36"E 48.53 feet to a Computed Point, thence from said point N 13°30'07"W 21.02 feet to a Computed Point, thence from said point N 21°46'00"E 31.17 feet to a Computed Point, thence from said point S 71°16'22"E 11.45 feet to a Computed Point, thence from said point N 15°56'21"E 10.81 feet to a Computed Point, thence from said point N 83°01'58"E 180.69 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 40°20'30"E 312.47 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 84°24'39"E 154.87 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 69°24'36"E 99.34 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 20°35'24"E 226.73 feet to an Iron Pipe Found and being the Point and Place of **BEGINNING** containing 174,327 square feet and 4.00 acres.

Lot #2

Beginning at a point in the northeastern corner of the lot situated at 804 Wimberly Road, Apex, North Carolina, said point being an Iron Pipe Found at the Right of Way of Wimberly Road, and being the Point and Place of **BEGINNING**. Thence from said point S 25°21'11" E 77.64 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 20°35'24" E 172.44 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 69°24'36" W 99.34 feet to an Iron Pipe Found, thence from said Iron Pipe Found S 84°24'39" W 154.87 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 40°20'30" W 312.47 feet to an Iron Pipe Found, thence from said Iron Pipe Found N 83°01'58" E 358.16 feet to an Iron Pipe Found and being the Point and Place of **BEGINNING** containing 80,240 square feet and 1.84 acres.

Wake County Residential Development Notification

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to: studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	Abel and Jessica Figueroa
Company Phone Number	(919) 960-3791
Developer Representative Name	Zak Shipman, PE-Shipman Engineering, PLLC
Developer Representative Phone Number	(919) 900-0006
Developer Representative Email	zak@shipmanengineering.com

New Residential Subdivision Information	
Date of Application for Subdivision	12/16/21
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	804 & 808 Wimberly Road
Address of Subdivision (if unknown enter nearest cross streets)	808 Wimberly Road
REID(s)	0182266 & 0440404
PIN(s)	0723232326 & 0723230271

Projected Dates Information	
Subdivision Completion Date	Fall, 2022
Subdivision Projected First Occupancy Date	Fall, 2022

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range			Price Range			Anticipated Completion Units & Dates			
								Min	Max	High	Low	High	Year	Year	Year	# Units	# Units
Single Family	20CZ04	22CZ04	2/1/22	2/1/22	2/1/22		2	6000	7000	\$1.2M	\$1.5M	2022		2			
Townhomes																	
Condos																	
Apartments																	
Other																	

NOTICE OF NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

12/16/21

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at

804 Wimberly Road

0723232326

808 Wimberly Road

0723230271

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/> Special Use Permit	Town Council (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

We are proposing annexation and rezoning of the two lots into the Town of Apex Corporate limits for the purpose of submitting a recombination plat to adjust lot lines. Additionally we are proposing to extend Town sewer service to provide service for the two lots. A total of 2 residential units are proposed.

Estimated submittal date: February, 2022

MEETING INFORMATION:

Property Owner(s) name(s):

Abel and Jessica Figueroa

Applicant(s):

Zak Shipman, PE-Shipman Engineering, PLLC

Contact information (email/phone):

zak@shipmanengineering.com / (919) 900-0006

Meeting Address:

Virtual

Date/Time of meeting**:

January 10, 2021, 5:00 pm to 7:00 pm

MEETING AGENDA TIMES:

Welcome: 5:00 pm

Project Presentation: 5:15 pm

Question & Answer: 5:30 pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:

Project Name: 804 & 808 Wimberly Road Rezoning Zoning: RR-CZ

Location: 808 & 804 Wimberly Road

Property PIN(s): 0723232326 & 0723230271 Acreage/Square Feet: 5.84

Property Owner: Abel and Jessica Figueroa

Address: 808 Wimberly Road

City: Apex State: NC Zip: 27523

Phone: (919) 960-3791 Email: abel@artisanqualityroofing.com

Developer: Abel and Jessica Figueroa

Address: 808 Wimberly Road

City: Apex State: NC Zip: 27523

Phone: (919) 960-3791 Fax: _____ Email: abel@artisanqualityroofing.com

Engineer: Shipman Engineering, PLLC- Zak Shipman, PE

Address: 137 Middlegreen Place

City: Holly Springs State: NC Zip: 27540

Phone: (919) 900-0006 Fax: _____ Email: zak@shipmanengineering.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: Virtual
 Date of meeting: Jan. 10, 2021 Time of meeting: 5:00 pm-7:00 pm
 Property Owner(s) name(s): Abel and Jessica Figueroa
 Applicant(s): Zak Shipman, PE-Shipman Engineering, PLLC

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Zak Shipman-Shipman Engineering	137 Middlegreen Place, Holly Springs, NC 27540			
2.	Scott & Martha Sutton	8621 Castleberry Road, Apex, NC 27523			x
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): Abel and Jessica Figueroa

Applicant(s): Zak Shipman, PE-Shipman Engineering, PLLC

Contact information (email/phone): zak@shipmanengineering.com / (919) 900-0006

Meeting Address: Virtual

Date of meeting: Jan. 10, 2021 Time of meeting: 5:00 pm-7:00 pm

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:

From Scott Sutton-will location of sewer block him from extending Town sewer to his property in the future

Applicant's Response:

No, it would not. Gravity sewer can be extended up the existing stream to the Sutton property and connect into the manhole at Castleberry Estates. We would be willing to connect the applicant with Sutton to discuss. Mr. Sutton was not ready to do anything with sewer currently.

Question/Concern #2:

From Mr. Sutton: Do we know where house on Lot 2 would go?

Applicant's Response:

We are not entirely sure at the moment, but we suspect the house on Lot 2 would have a similar front setback as the existing house so they sit roughly at the same depth from Wimberly.

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Abel Figueroa, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at VIRTUAL ZOOM (location/address) on Jan 10, 2022 (date) from 5:00 pm (start time) to 7:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

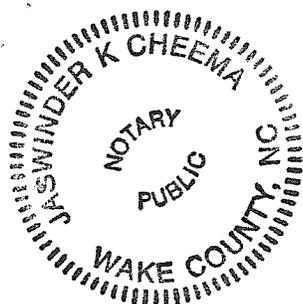
1/4/22
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Abel Figueroa, a Notary Public for the above State and County, on this the 4 day of Jan, 2022.

SEAL



Jaswinder K Cheema
Notary Public
Jaswinder K Cheema
Print Name

My Commission Expires: Nov 9, 2026

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ04 804 & 808 Wimberly Road

Planning Board Meeting Date: April 11, 2022



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±5.84 acres

PIN(s): 0723230271 & 0723232326

Current Zoning: Wake County Residential-80W (R-80W)

Proposed Zoning: Rural Residential-Conditional Zoning (RR-CZ)

Current 2045 Land Use Map: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Town Limits: Outside ETJ (annexation is required at time of rezoning)

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

Parks, Recreation, Open Space, and Greenways Plan
 Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ04 804 & 808 Wimberly Road

Planning Board Meeting Date: April 11, 2022



Legislative Considerations:

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.

Consistent Inconsistent Reason: _____

2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

Consistent Inconsistent Reason: _____

3. *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.

Consistent Inconsistent Reason: _____

4. *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

Consistent Inconsistent Reason: _____

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ04 804 & 808 Wimberly Road

Planning Board Meeting Date: April 11, 2022



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

Consistent Inconsistent Reason: _____

7. *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

Consistent Inconsistent Reason: _____

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

Consistent Inconsistent Reason: _____

9. *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

Consistent Inconsistent Reason: _____

10. *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ04 804 & 808 Wimberly Road

Planning Board Meeting Date: April 11, 2022



Planning Board Recommendation:

Motion: To recommend approval with conditions as presented.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Keith Braswell

- Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as proposed by applicant.

- Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of April 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.04.11 20:11:12
-04'00'

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ04 804 & 808 Wimberly Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Owner/Applicant:** Abel & Jessica Figueroa
- Authorized Agent:** Zak Shipman, P.E., Shipman Engineering, PLLC
- Property Addresses:** 804 & 808 Wimberly Road
- Acreage:** ±5.84 acres
- Property Identification Numbers (PINs):** 0723230271 & 0723232326
- 2045 Land Use Map Designation:** Rural Density Residential
- Existing Zoning of Properties:** Wake County Residential-80W (R-80W)
- Proposed Zoning of Properties:** Rural Residential-Conditional Zoning (RR-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: April 11, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town’s YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ04
804 & 808 Wimberly Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Owner/Applicant: Abel & Jessica Figueroa
Authorized Agent: Zak Shipman, P.E., Shipman Engineering, PLLC
Property Addresses: 804 & 808 Wimberly Road
Acreage: ±5.84 acres
Property Identification Numbers (PINs): 0723230271 & 0723232326
2045 Land Use Map Designation: Rural Density Residential
Existing Zoning of Properties: Wake County Residential-80W (R-80W)
Proposed Zoning of Properties: Rural Residential-Conditional Zoning (RR-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: April 11, 2022 4:30 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/r/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

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A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.planning.apexnc.org>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/3171. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38806/22CZ04>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: March 25 - April 11, 2022



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04
804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Abel & Jessica Figueroa
Agente autorizado: Zak Shipman, P.E., Shipman Engineering, PLLC
Dirección de la propiedades: 804 & 808 Wimberly Road
Superficie: ±5.84 acres
Números de identificación de la propiedad: 0723230271 & 0723232326



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04
804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Abel & Jessica Figueroa

Agente autorizado: Zak Shipman, P.E., Shipman Engineering, PLLC

Dirección de la propiedades: 804 & 808 Wimberly Road

Superficie: ±5.84 acres

Números de identificación de la propiedades: 0723230271 & 0723232326

Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential

Ordenamiento territorial existente de la propiedades: Wake County Residential-80W (R-80W)

Ordenamiento territorial propuesto para la propiedades: Rural Residential-Conditional Zoning (RR-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de abril de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at <http://www.apexnc.org/DocumentCenter/View/479>. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: March 25 - April 11, 2022



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04
804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Abel & Jessica Figueroa
Agente autorizado: Zak Shipman, P.E., Shipman Engineering, PLLC
Dirección de la propiedades: 804 & 808 Wimberly Road
Superficie: ±5.84 acres
Números de identificación de la propiedades: 0723230271 & 0723232326
Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential
Ordenamiento territorial existente de la propiedades: Wake County Residential-BOW (R-BOW)
Ordenamiento territorial propuesto para la propiedades: Rural Residential-Conditional Zoning (RR-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de abril de 2022 4:30 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/watch?v=7nwnofaeeapw>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/watch?v=7nwnofaeeapw>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <http://www.apexnc.org/DocumentCenter/View/479>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 25 de marzo - 11 de abril de 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ04
804 & 808 Wimberly Road
Project Location: 804 & 808 Wimberly Road
Applicant or Authorized Agent: Zak Shipman, P.E.
Firm: Shipman Engineering, PLLC.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on March 25, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

3/28/2022
Date

Maianne Fkhun
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above
State and County, this the 28 day of March, 2022.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 3 / 10 / 2024



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ04 804 & 808 Wimberly Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Owner/Applicant: Abel & Jessica Figueroa

Authorized Agent: Zak Shipman, P.E., Shipman Engineering, PLLC

Property Addresses: 804 & 808 Wimberly Road

Acreage: ±5.84 acres

Property Identification Numbers (PINs): 0723230271 & 0723232326

2045 Land Use Map Designation: Rural Density Residential

Existing Zoning of Properties: Wake County Residential-80W (R-80W)

Proposed Zoning of Properties: Rural Residential-Conditional Zoning (RR-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: April 26, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

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Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ04
804 & 808 Wimberly Road**

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Owner/Applicant: Abel & Jessica Figueroa
Authorized Agent: Zak Shipman, P.E., Shipman Engineering, PLLC
Property Addresses: 804 & 808 Wimberly Road
Acreage: ±5.84 acres
Property Identification Numbers (PINs): 0723230271 & 0723232326
2045 Land Use Map Designation: Rural Density Residential
Existing Zoning of Properties: Wake County Residential-80W (R-80W)
Proposed Zoning of Properties: Rural Residential-Conditional Zoning (RR-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: April 26, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

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Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 1 - April 26, 2022

Navigation icons: Save, Print, Up, Down, Page 1 / 2, Zoom in, Zoom out, and a PDF icon.



TOWN OF APEX
 PO BOX 250
 APEX, NORTH CAROLINA 27502
 TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04
 804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

- Solicitante:** Abel & Jessica Figueroa
- Agente autorizado:** Zak Shipman, P.E., Shipman Engineering, PLLC
- Dirección de la propiedades:** 804 & 808 Wimberly Road
- Superficie:** ±5.84 acres
- Números de identificación de la propiedades:** 0723230271 & 0723232326
- Designación actual en el Mapa de Uso Territorial para 2045:** Rural Density Residential
- Ordenamiento territorial existente de la propiedades:** Wake County Residential-80W (R-80W)
- Ordenamiento territorial propuesto para la propiedades:** Rural Residential-Conditional Zoning (RR-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
 Cámara del Consejo, 2º piso
 73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 26 de abril, 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>.

Dianne F. Khin, AICP
 Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04
804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Abel & Jessica Figueroa
Agente autorizado: Zak Shipman, P.E., Shipman Engineering, PLLC
Dirección de la propiedades: 804 & 808 Wimberly Road
Superficie: ±5.84 acres
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Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential
Ordenamiento territorial existente de la propiedades: Wake County Residential-80W (R-80W)
Ordenamiento territorial propuesto para la propiedades: Rural Residential-Conditional Zoning (RR-CZ)
Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 26 de abril, 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38166/22CZ04>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 1 de abril - 26 de abril 2022

Navigation icons: back, forward, search, zoom in, zoom out, refresh, print, and a page number indicator showing '2 / 2'.



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ04
804 & 808 Wimberly Road
Project Location: 804 & 808 Wimberly Road
Applicant or Authorized Agent: Zak Shipman, P.E.
Firm: Shipman Engineering, PLLC.

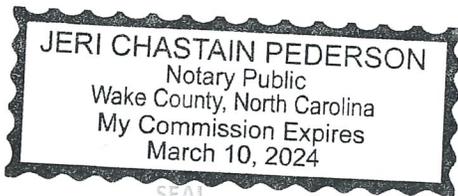
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on April 1, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

4/4/2022
Date

Jeannie F. Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above
State and County, this the 4 day of April, 2022.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 3 / 10 / 2024



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

CONTINUED

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ04 804 & 808 Wimberly Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

- Owner/Applicant:** Abel & Jessica Figueroa
- Authorized Agent:** Zak Shipman, P.E., Shipman Engineering, PLLC
- Property Addresses:** 804 & 808 Wimberly Road
- Acreage:** ±5.84 acres
- Property Identification Numbers (PINs):** 0723230271 & 0723232326
- 2045 Land Use Map Designation:** Rural Density Residential
- Existing Zoning of Properties:** Wake County Residential-80W (R-80W)
- Proposed Zoning of Properties:** Rural Residential-Conditional Zoning (RR-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: ~~April 26~~ May 10, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

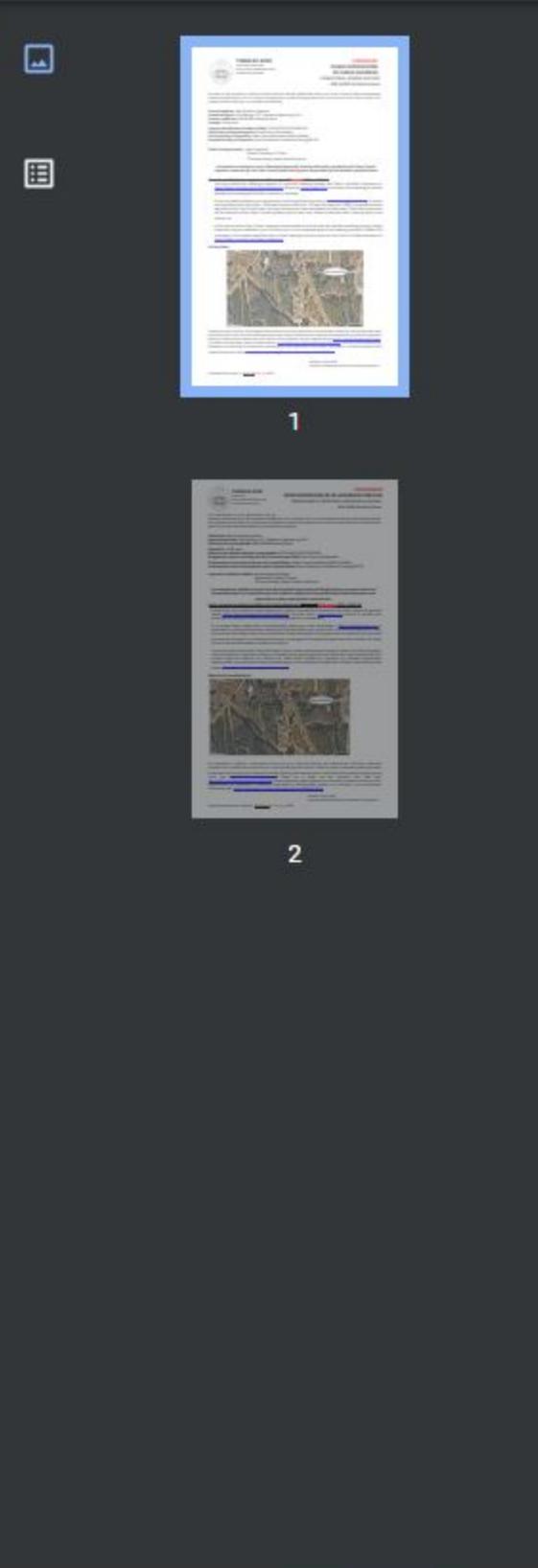
In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town’s YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3425

CONTINUED
PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ04
804 & 808 Wimberly Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Owner/Applicant: Abel & Jessica Figueroa
Authorized Agent: Zak Shipman, P.E., Shipman Engineering, PLLC
Property Addresses: 804 & 808 Wimberly Road
Acreage: 15.84 acres
Property Identification Numbers (PINs): 0723230271 & 0723232326
2045 Land Use Map Designation: Rural Density Residential
Existing Zoning of Properties: Wake County Residential-80W (R-80W)
Proposed Zoning of Properties: Rural Residential-Conditional Zoning (RR-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: April 26 May 10, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public_hearings@apexnc.org or submit it to the office of the Town Clerk, (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.palmer.gov/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/5175. You may call 919-249-3425, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39328/22CZ04>.

Dianne F. Khan, AICP
Director of Planning and Community Development

Published Dates: April 1 - ~~April 26~~ May 10, 2022



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3425

CONTINUADO
NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04
804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Abel & Jessica Figueroa
Agente Autorizado: Shipman, P.E., Shipman Engineering, PLLC
Direcciones: 804 & 808 Wimberly Road



TOWN OF APEX
 PO BOX 250
 APEX, NORTH CAROLINA 27502
 TELÉFONO 919-249-3426

CONTINUADO

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04
 804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

- Solicitante:** Abel & Jessica Figueroa
- Agente autorizado:** Zak Shipman, P.E., Shipman Engineering, PLLC
- Dirección de la propiedades:** 804 & 808 Wimberly Road
- Superficie:** ±5.84 acres
- Números de identificación de la propiedades:** 0723230271 & 0723232326
- Designación actual en el Mapa de Uso Territorial para 2045:** Rural Density Residential
- Ordenamiento territorial existente de la propiedades:** Wake County Residential-80W (R-80W)
- Ordenamiento territorial propuesto para la propiedades:** Rural Residential-Conditional Zoning (RR-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
 Cámara del Consejo, 2º piso
 73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: ~~26 de abril~~ 10 de mayo, 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>.

Dianne F. Khin, AICP
 Directora de Planificación y Desarrollo Comunitario

Thumbnail 1

Thumbnail 2



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.calestator.gov/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/377. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 1 - ~~April 26~~ May 10, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

CONTINUADO
NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ04
804 & 808 Wimberly Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Abel & Jessica Figueroa
Agente autorizado: Zak Shipman, P.E., Shipman Engineering, PLLC
Dirección de las propiedades: 804 & 808 Wimberly Road
Superficie: ±5.84 acres
Números de identificación de las propiedades: 0723230271 & 0723232326
Designación actual en el Mapa de Uso Territorial para 2045: Rural Density Residential
Ordenamiento territorial existente de las propiedades: Wake County Residential-B0W (R-B0W)
Ordenamiento territorial propuesto para las propiedades: Rural Residential-Conditional Zoning (RR-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

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Fecha y hora de la audiencia pública del Consejo Municipal: ~~26 de abril~~ 10 de mayo, 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/townofapex>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

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En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/townofapex>.

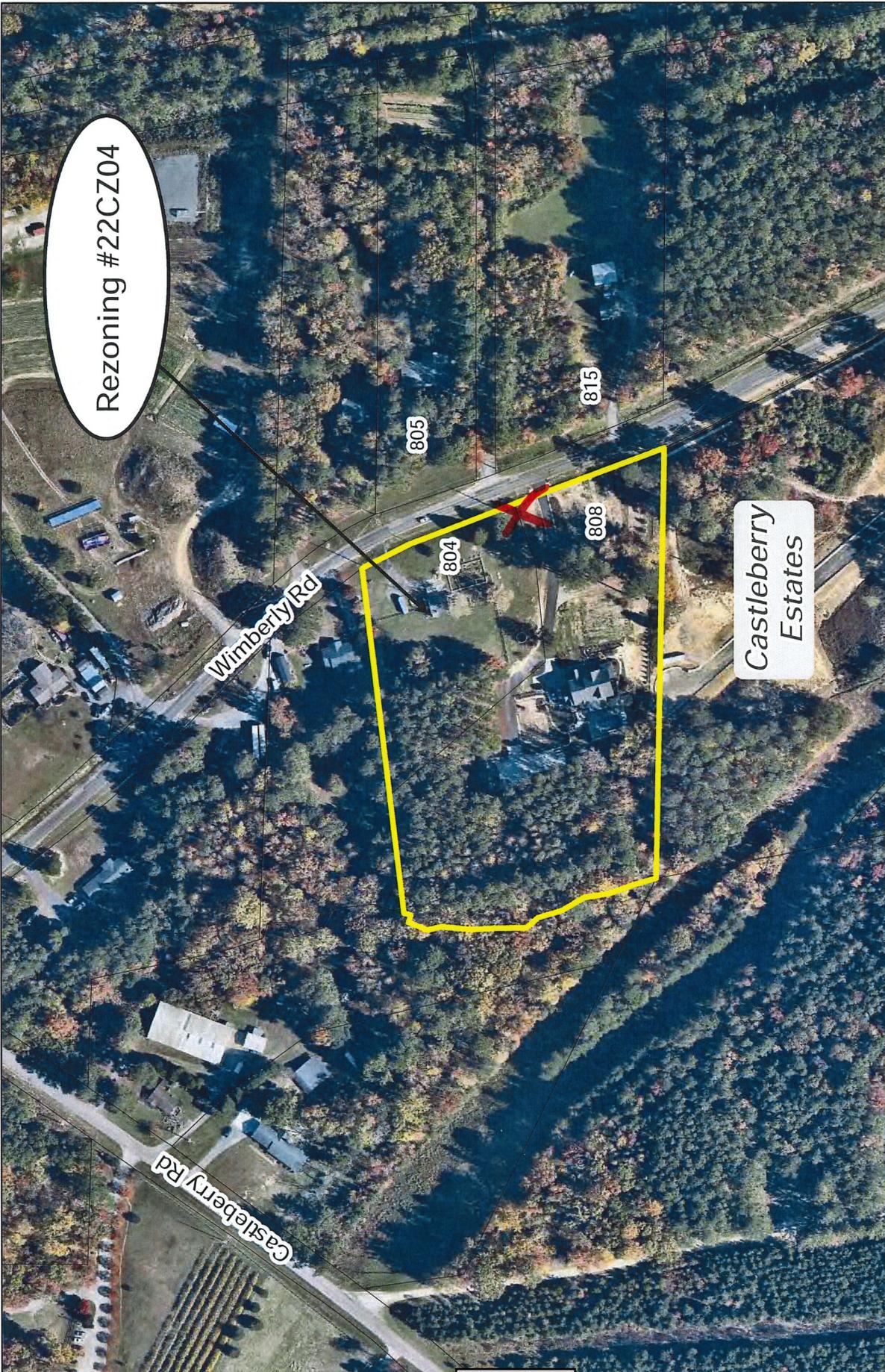
Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.calestator.gov/imap>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/377. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38186/22CZ04>

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

De abril - ~~26 de abril~~ 10 de mayo 2022



Re zoning #22CZ04

Castleberry Estates



Public Hearing Sign Posted By
[Signature]
Signature
2/8/2022
Date

February 2022
November 2021 Aerial Photography
Prepared by: Town of Apex Planning Department



Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

March 7, 2022

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: February 1, 2022
- Name of development: 22CZ04 804 & 808 Wimberly Rd
- Address of rezoning: 804 & 808 Wimberly Rd
- Total number of proposed residential units: 4 (2 existing)
- Type(s) of residential units proposed: Single-family detached

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
 - Elementary Middle High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- Not applicable – existing school capacity is anticipated to be sufficient.
- School expansion or construction within the next five years is not anticipated to address concerns.
- School expansion or construction within the next five years may address concerns at these grade levels:
 - Elementary Middle High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,
Glenn Carrozza

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 5.84 ACRES LOCATED AT 804 & 808 WIMBERLY ROAD FROM WAKE COUNTY RESIDENTIAL-80W (R-80W) TO RURAL RESIDENTIAL-CONDITIONAL ZONING (RR-CZ)

#22CZ04

WHEREAS, Zak Shipman, Shipman Engineering, PLLC, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of February 2022 (the “Application”). The proposed conditional zoning is designated #22CZ04;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #22CZ04 before the Planning Board on the 10th day of May 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 11th day of April 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ04. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #22CZ04;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #22CZ04 before the Apex Town Council on the 10th day of May 2022;

WHEREAS, the Apex Town Council held a public hearing on the 10th day of May 2022. Lauren Staudenmaier, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #22CZ04 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Low Density Residential. This designation on the 2045 Land Use Map includes the zoning district Rural Residential-Conditional Zoning (RR-CZ) and the Apex Town Council has further considered that the proposed rezoning to Rural Residential-Conditional Zoning (RR-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

WHEREAS, The proposed rezoning is reasonable and in the public interest because it will permit single-family residential development consistent and compatible with the surrounding area. In addition, the proposed rezoning will allow the properties to connect to Town water and sewer services; and

WHEREAS, the Apex Town Council by a vote of ___ to ___ approved Application #22CZ04 rezoning the subject tract located at 804 & 808 Wimberly Road from Wake County Residential-80W (R-80W) to Rural Residential-Conditional Zoning (RR-CZ).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment “A” – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the “Rezoned Lands.”

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the

Ordinance Amending the Official Zoning District Map #22CZ04

zoning classification of the “Rezoned Lands” from Wake County Residential-80W District (R-80W) to Rural Residential-Conditional Zoning (RR-CZ) District, subject to the conditions stated herein.

Section 3: The Director of Planning and Community Development is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 4: The “Rezoned Lands” are subject to all of the following conditions which are imposed as part of this rezoning:

Limitation of Uses:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

Permitted Uses and Limitations:

1. Single-family (P)
2. Accessory apartment (P)

Conditions:

1. A maximum of 0.75 dwelling units per acre are permitted.
2. A minimum front setback of 65 feet from the current Wimberly Road right-of-way for all residences.
3. Outdoor lighting shall be full cut-off and shielded to prevent glare and light spillover to minimize the impact on neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3,000k.
4. The project shall install light timers, motion sensors, or other smart technology for all exterior lighting for the residences.
5. All single family detached homes shall be pre-configured with conduit for a solar energy system.
6. An additional 25 feet of riparian buffer shall be observed on the existing stream on the rear of the lot if it is intermittent, or 50 feet of buffer if it is ephemeral.
7. Vinyl siding is not permitted; however vinyl windows, decorative elements, and trim are permitted.
8. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
9. Eaves shall project at least 12 inches from the wall of the structure.
10. Garage doors shall have windows or decorative details on them.
11. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
12. House entrances for units with front-facing single car garages shall have a prominent covered porch/stoop area leading to the front door.
13. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
14. Front porches shall be a minimum of 6 feet deep.
15. The number of private driveways accessing Wimberly Road shall not be increased from the existing two (2) driveways.
16. The visible side of a home on a corner lot facing the public street shall contain at least three decorative elements such as, but not limited to:
 - a. Windows
 - b. Shutters
 - c. Shutters
 - d. Shutters
 - e. Shutters
 - f. Shutters
 - g. Shutters
 - h. Decorative Shake

Ordinance Amending the Official Zoning District Map #22CZ04

- b. Bay Window
- c. Recessed Window
- d. Trim around the windows
- e. Two or more building materials
- f. Decorative Brick/Stone
- g. Decorative Trim
- i. Decorative air vents on gable
- j. Decorative gable
- k. Column
- l. Portico
- m. Dormer

Section 5: The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member _____

Seconded by Council Member _____

With ____ Council Member(s) voting "aye."

With ____ Council Member(s) voting "no."

This the ____ day of _____ 2022.

TOWN OF APEX

Mayor

ATTEST:

Interim Town Clerk

APPROVED AS TO FORM:

Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: May 10, 2022

Item Details

Presenter(s): Dianne Khin, Director of Planning and Community Development

Department(s): Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the WFINV, LLC property containing 1.910 acres located at 1016 N. Salem Street, Wake County, Annexation 730 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition



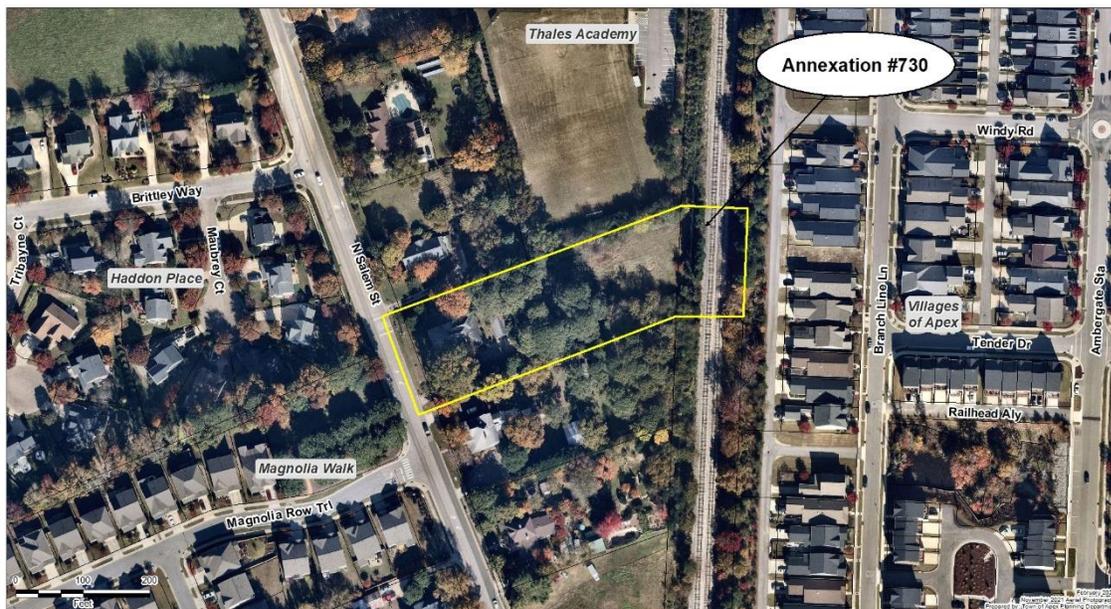
TOWN OF APEX
OFFICE OF THE TOWN CLERK

PO Box 250, Apex, North Carolina 27502
Phone (919) 249-3303 Fax (919) 249-3305
E-mail: julie.reid@apexnc.org

PUBLIC NOTICE

The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at 6:00 p.m. at Apex Town Hall, 73 Hunter Street, on the 10th day of May, 2022 on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition #730
1016 N. Salem Street



Julie Reid
Interim Town Clerk

Post dates April 27, 2022 through May 10, 2022

Attachment: Legal Description



TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

After recording, please return to:
Town Clerk
Town of Apex
P.O. Box 250
Apex, NC 27502

ORDINANCE NO. 2022-0510-11
ANNEXATION PETITION NO. #730
1016 N Salem Street

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF APEX, NORTH CAROLINA
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S. § 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on May 10, 2022, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S. § 160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S. § 160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on May 10, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled Annexation Map for the Town of Apex (Property of WFINV, LLC.), dated August 9, 2021 – Revised February 3, 2022" and recorded in Book of Maps book number 2022 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. § 160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 10th day of May, 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Julie Reid
Interim Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Beginning at an Existing Iron Pipe located on the Eastern Right of Way of North Salem Street. Said Existing Iron Pipe having North Carolina Geodetic Coordinates (NAD 83; 2011} N: 725,445.26', E: 2,044,527.61' Thence leaving said Right of Way, North 69°43'32" East a distance of 204.66' to an Existing Angle Iron; Thence North 69°43'31" East a distance of 244.09' to an Existing Iron Pipe located on the Western Railroad Right of Way of CSX Transportation; Thence crossing said Railroad Right of Way, South 87°41'39" East a distance of 100.00' to a Point located on the Eastern Railroad Right of Way of CSX Transportation; Thence along the Eastern Railroad Right of Way, South 02°15'16" West a distance of 161.17' to a Point; Thence crossing said Railroad Right of Way, North 87°44'44" West a distance of 100.00' to an Existing Iron Pipe located on the Western Railroad Right of Way of CSX Transportation; Thence South 69°38'26" West a distance of 387.75' to an Existing Iron Pipe located on the Eastern Right of Way of North Salem Street; Thence South 69°38'26" West a distance of 33.25' to a Point; Thence North 18°26'31" West a distance of 149.65' to a Point; Thence North 69°43'32" East a distance of 29.25' to an Existing Iron Pipe, being the point and place of **Beginning**, and having an area of 1.910 Acres, 83,206 Square Feet, more or less.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Julie Reid, Interim Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No2022-0510-11, adopted at a meeting of the Town Council, on the 10th day of May, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

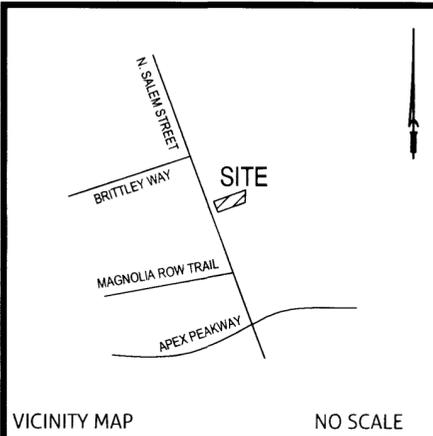
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 10th day of May, 2022.

Julie Reid
Interim Town Clerk

(SEAL)

Annexation Legal Description for 1016 N. Salem Street

Beginning at an Existing Iron Pipe located on the Eastern Right of Way of North Salem Street. Said Existing Iron Pipe having North Carolina Geodetic Coordinates (NAD 83; 2011) N: 725,445.26', E: 2,044,527.61' Thence leaving said Right of Way, North 69°43'32" East a distance of 204.66' to an Existing Angle Iron; Thence North 69°43'31" East a distance of 244.09' to an Existing Iron Pipe located on the Western Railroad Right of Way of CSX Transportation; Thence crossing said Railroad Right of Way, South 87°41'39" East a distance of 100.00' to a Point located on the Eastern Railroad Right of Way of CSX Transportation; Thence along the Eastern Railroad Right of Way, South 02°15'16" West a distance of 161.17' to a Point; Thence crossing said Railroad Right of Way, North 87°44'44" West a distance of 100.00' to an Existing Iron Pipe located on the Western Railroad Right of Way of CSX Transportation; Thence South 69°38'26" West a distance of 387.75' to an Existing Iron Pipe located on the Eastern Right of Way of North Salem Street; Thence South 69°38'26" West a distance of 33.25' to a Point; Thence North 18°26'31" West a distance of 149.65' to a Point; Thence North 69°43'32" East a distance of 29.25' to an Existing Iron Pipe, being the point and place of **Beginning**, and having an area of 1.910 Acres, 83,206 Square Feet, more or less.



GENERAL NOTES
 1. BASIS OF BEARINGS: NC STATE PLANE GRID COORDINATES, NAD83(2011)
 2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED
 3. AREAS SHOWN HEREON WERE COMPUTED USING THE COORDINATE METHOD.
 4. LINES NOT SURVEYED ARE SHOWN AS BROKEN LINES FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT.
 5. SUBJECT PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA ACCORDING TO FLOOD INSURANCE RATE MAP 3720074200J DATED MAY 2, 2006.
 6. IRON PIPES SET AT ALL CORNERS UNLESS OTHERWISE NOTED.

SURVEYOR'S CERTIFICATE
 I, BENJAMIN E. DAYTON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK SEE MAP, PAGE _____ THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK SEE MAP, PAGE _____ THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:40,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 15th DAY OF FEBRUARY, 2022.

THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.



VICINITY MAP NO SCALE

WITHERSRAVENEL LOCALIZATION POINT CONTROL POINT #105 NC GRID COORDINATES NAD 83(2011) N: 725,537.11' E: 2,044,427.03' CSF: 0.999991002

PIN No. 074245564 CHRISTINE JENSEN DB 7108, PG 35 BM 1992, PG 235

EXISTING IRON PIPE POINT OF BEGINNING NC GRID COORDINATES NAD 83(2011) N: 725,445.26' E: 2,044,527.61'

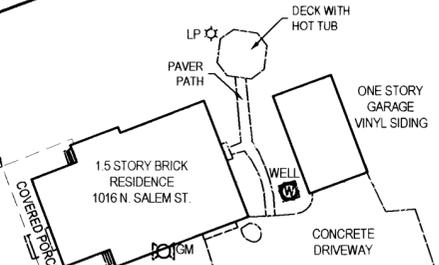
PIN No. 0742466191 THALES ACADEMY DB 13685, PG 61 BM 2015, PG 1042

PIN No. 0742457443 WFINV, LLC DB 18630, PG 1560 LOT 4-1A BM 1885, PG 754 1.433 ACRES (OUTSIDE RW) 0.107 ACRES (WITHIN RW) 1.540 ACRES (TOTAL) ADDRESS: 1016 N. SALEM STREET

PIN No. 0742550476 VILLAGES OF APEX MASTER ASSOCIATION, INC. DB 15873, PG 602 BM 2012, PG 217

PIN No. 0742457268 KEVIN PATRICK MELISSA PATRICK DB 7420, PG 648 BM 1988, PG 33

ANNEXATION AREA (HATCHED AREA)
 1.910 ACRES
 83,206 SF



SEE DECLARATION OF COVENANTS AND ANNEXATION AGREEMENT RECORDED IN DB 6702, PG 637-639.

GPS NOTE:
 CLASS OF SURVEY: A
 POSITIONAL ACCURACY: 0.05'
 DATE OF SURVEY: JULY 16, 2021
 DATUM/EPOCH: NAD83/NSRS2011
 GEOID MODEL: 18
 COMBINED GRID FACTOR: 0.999991002
 UNITS: US SURVEY FEET

OWNER:
 WFINV, LLC
 4641 PARAGON PARK ROAD
 RALEIGH, NC 27616
 DB 18630, PG 1560
 BM 1885, PG 119

LEGEND

- (EIP)-EXISTING IRON PIPE FOUND
- (NIP)-NIP IRON PIPE SET
- (EIR)-EXISTING REBAR FOUND
- (POINT)-COMPUTED POINT (NO MONUMENT FOUND OR SET)
- (SURVEYED LINE)
- (RIGHT OF WAY)
- (CORPORATE LIMITS)



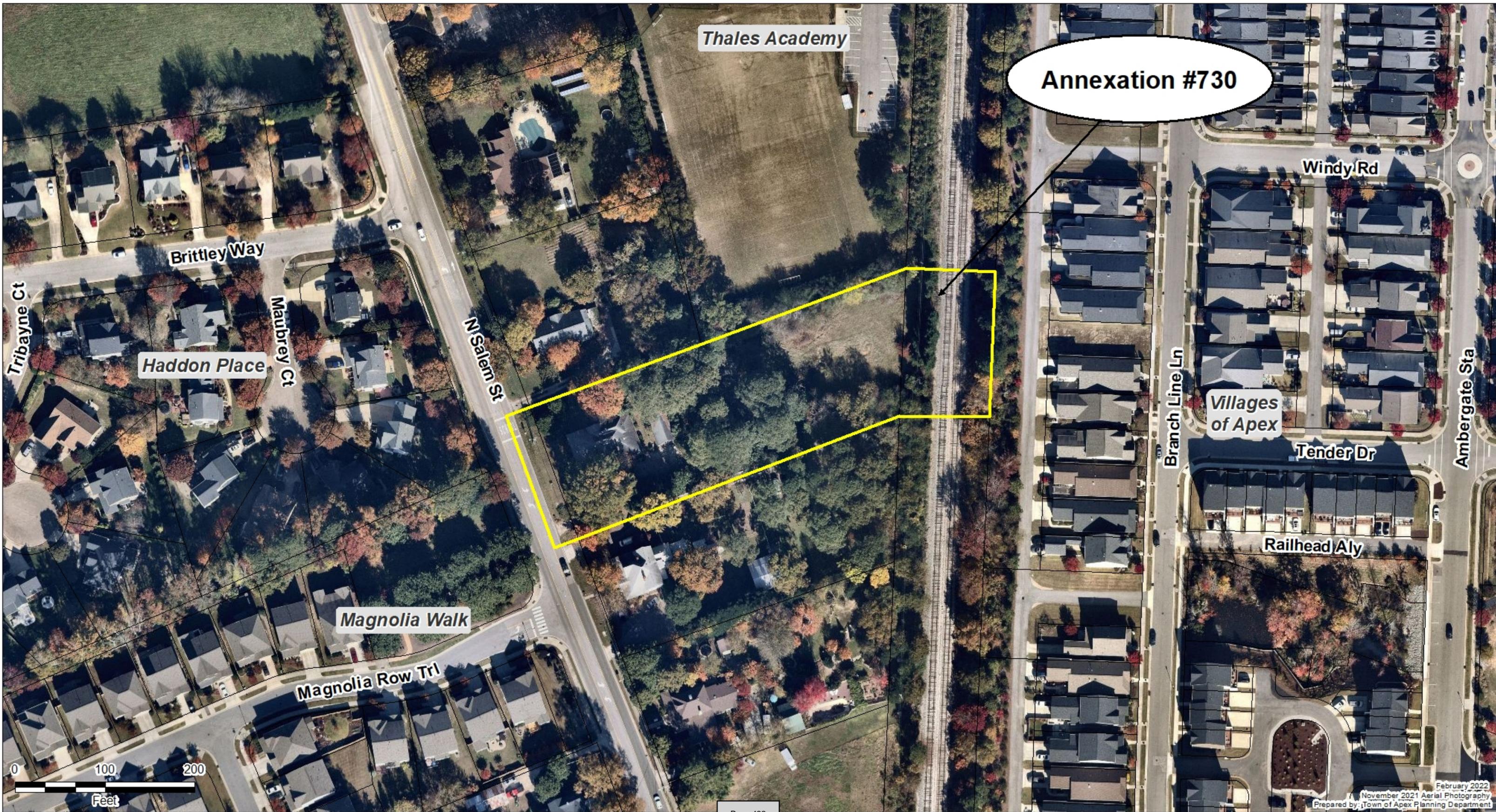
ANNEXATION # _____
 I, _____, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY
 THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____, 20____, BY
 THE TOWN COUNCIL.
 I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____
 DAY/MONTH/YEAR

_____, TOWN CLERK
 -SEAL-

DATE: 8/9/2021 - REVISED 2-3-22
SCALE: 1"=40'
SURVEYED BY: WR
DRAWN BY: BD
CHECK & CLOSURE BY: BD
CAD FILE: ANNEXATION PLAT.DWG
PROJECT NO: 09210370.00

ANNEXATION MAP for the TOWN OF APEX		
WFINV, LLC		
TOWNSHIP: WHITE OAK	COUNTY: WAKE	STATE: NORTH CAROLINA
ZONE: MD-CZ and RA	P.I.N. 0742457443	

WithersRavenel
 Engineers | Planners | Surveyors
 115 MacKenan Drive | Cary, NC 27511
 t: 919.469.3340 | license #: F-1479 | www.withersravenel.com



Thales Academy

Annexation #730

Windy Rd

Brittley Way

Tribayne Ct

Haddon Place

Maubrey Ct

N Salem St

Villages of Apex

Tender Dr

Ambergate Sta

Magnolia Walk

Magnolia Row Trl

Railhead Aly

0 100 200 Feet

February 2022
November 2021 Aerial Photography
Prepared by: Town of Apex Planning Department

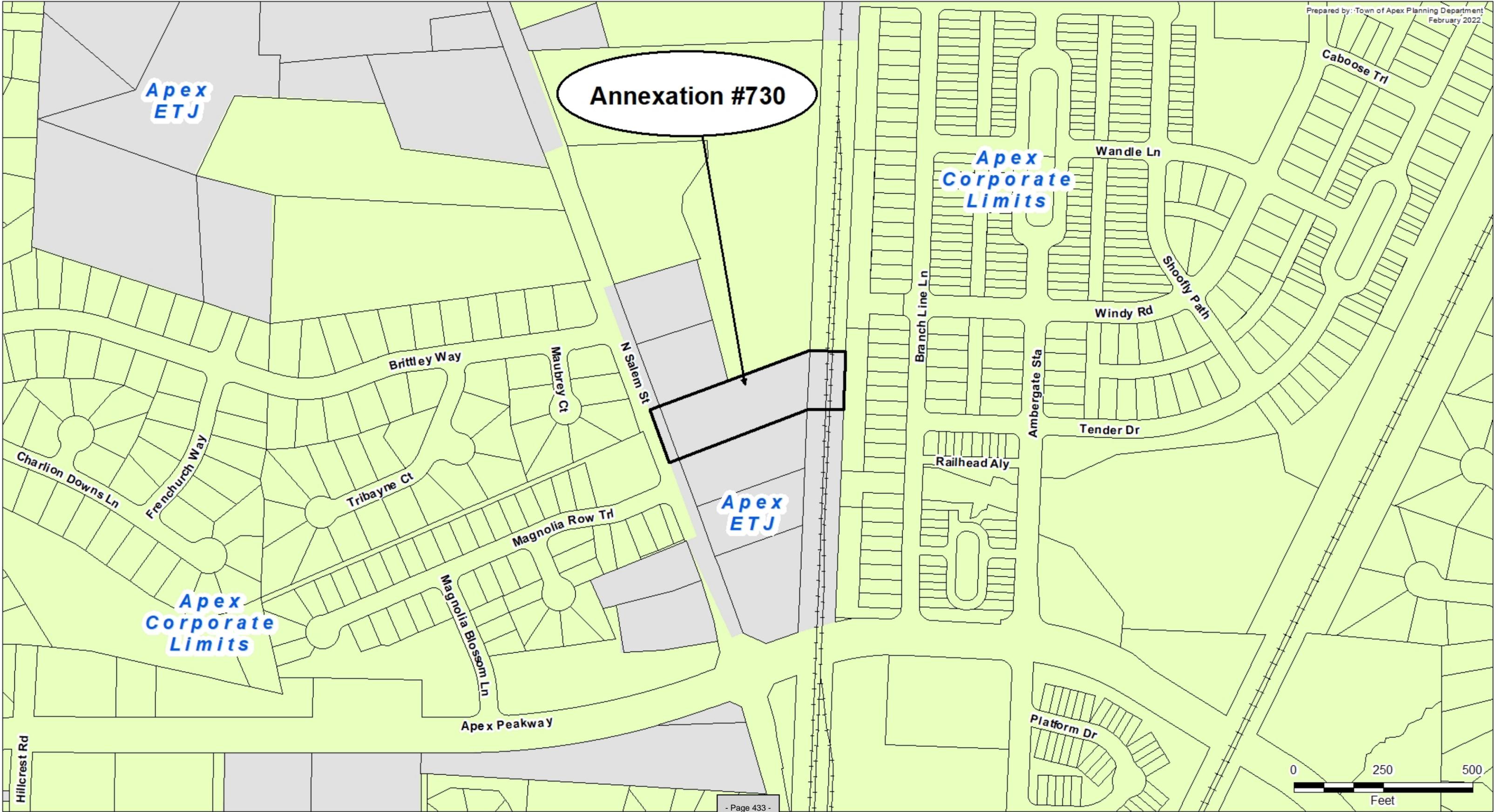
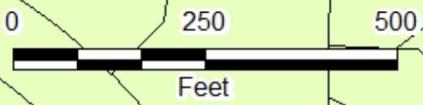
Apex
ETJ

Annexation #730

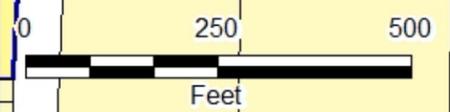
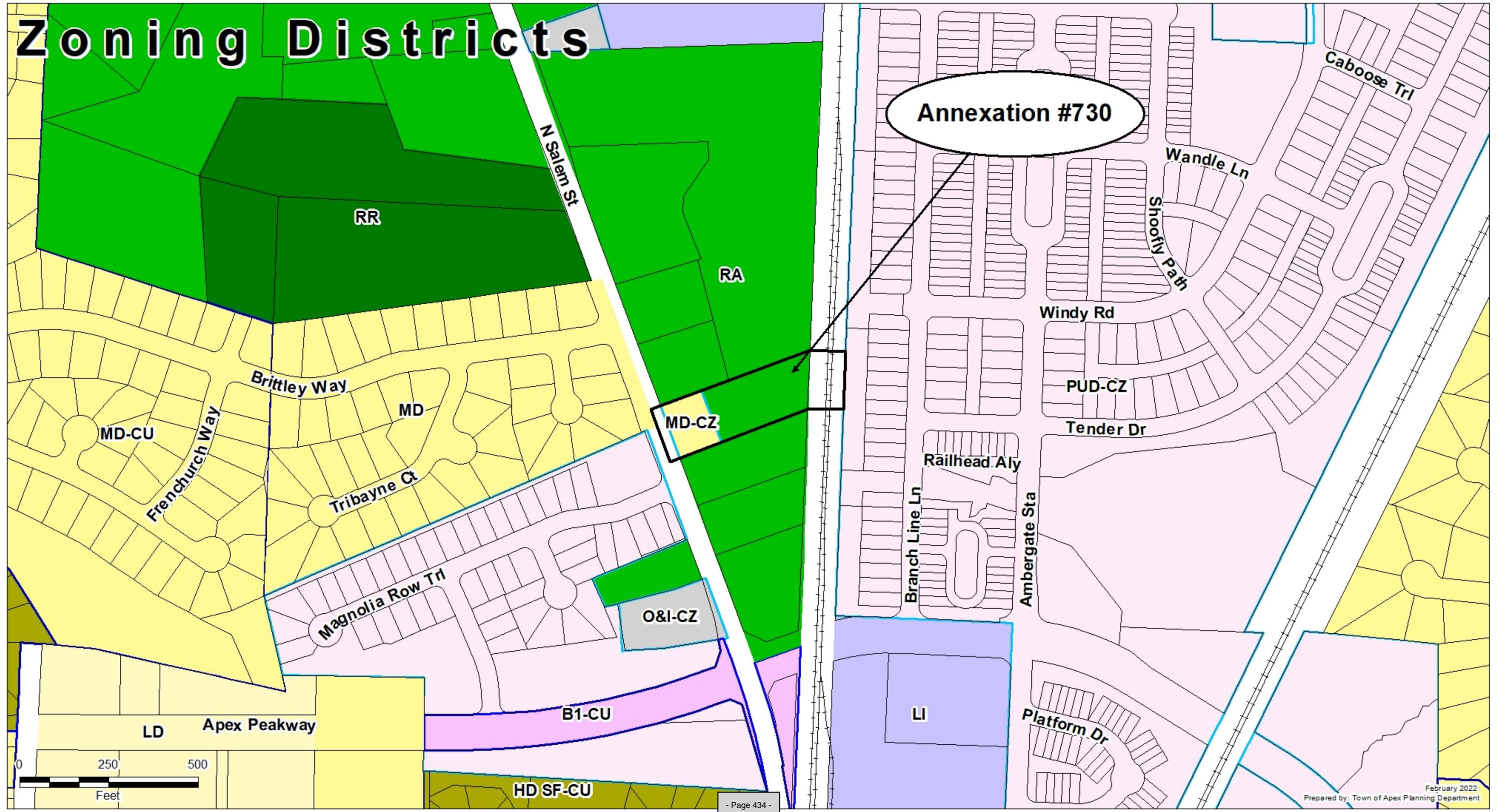
Apex
Corporate
Limits

Apex
Corporate
Limits

Apex
ETJ



Zoning Districts



PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 2022-005 Submittal Date: 1/26/22
Fee Paid \$ 200.00 Check # 1379

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, Chatham County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

OWNER INFORMATION

<u>WFINV, LLC</u> Owner Name (Please Print)	<u>0742457443</u> Property PIN or Deed Book & Page #
<u>919-427-1646</u> Phone	<u>brandon.hafner@captiveaire.com</u> E-mail Address
 Owner Name (Please Print)	 Property PIN or Deed Book & Page #
 Phone	 E-mail Address
 Owner Name (Please Print)	 Property PIN or Deed Book & Page #
 Phone	 E-mail Address

SURVEYOR INFORMATION

Surveyor: WithersRavenel
 Phone: 308-249-4632 Fax: _____
 E-mail Address: bdayton@withersravenel.com

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>1.910</u>	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: <u>2</u>	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>1</u>	Water service (new construction) <input type="checkbox"/>
Proposed # of housing units: <u>1</u>	Sewer service (new construction) <input type="checkbox"/>
Zoning District*: <u>MD-CZ</u>	Receive Town Services <input checked="" type="checkbox"/>

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Department of Planning and Community Development with questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the _____ day of _____, 20____.

Corporate Name _____

SEAL

By: _____

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

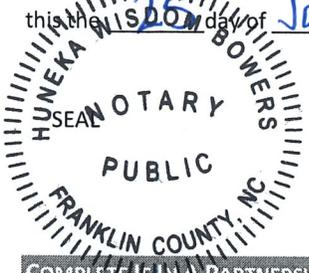
In witness whereof, WFINV, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 25 day of January, 2022

Name of Limited Liability Company WFINV, LLC

By: [Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF FRANKLIN

Sworn and subscribed before me, Huneke Wisdom Bowers a Notary Public for the above State and County, this the 25 day of January, 2022



Huneke Wisdom Bowers
Notary Public

My Commission Expires: Sept 4, 2022

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20__.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____ a Notary Public for the above State and County, this the ____ day of _____, 20__.

Notary Public

SEAL

My Commission Expires: _____

PAYMENT DATE
01/25/2022
COLLECTION STATION
Jeri Pederson
RECEIVED FROM
Withers Ravenel
DESCRIPTION
Annexation #730 Thales Academy Expansion - 2022-00000005

TOWN OF APEX
P O BOX 250
APEX, NC 27502
(919) 362-8676 - Utility Payments
(919) 249-3418 - Permits Only
(919) 249-3426 - Planning & Zoning Only

BATCH NO.
2022-00002305
RECEIPT NO.
2022-00142048
CASHIER
Jeri Pederson

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT						
PPC	PROJECT PLANNING CENTER FEES Annexation #730 Thales Academy Expansion - 2022-00000005	\$200.00						
Payments:	<table border="1"> <thead> <tr> <th>Type</th> <th>Detail</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Check</td> <td>1379</td> <td>\$200.00</td> </tr> </tbody> </table>	Type	Detail	Amount	Check	1379	\$200.00	
	Type	Detail	Amount					
Check	1379	\$200.00						
	Total Amount:	\$200.00						

Custom - Page 438 -

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: May 10, 2022

Item Details

Presenter(s): Dianne Khin, Director of Planning and Community Development

Department(s): Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Tony C. Sears and Judy T. Sears property containing 1.6209 acres located at 0 Kelly Road, Annexation #731 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition



TOWN OF APEX
OFFICE OF THE TOWN CLERK

PO Box 250, Apex, North Carolina 27502
Phone (919) 249-3303 Fax (919) 249-3305
E-mail: julie.reid@apexnc.org

PUBLIC NOTICE

The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at 7:00 p.m. at Apex Town Hall, 73 Hunter Street, on the 10th day of May 2022 on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition #731
0 Kelly Road



Julie Reid
Interim Town Clerk

Post dates April 27, 2022 through May 10, 2022

Attachment: Legal Description



TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

After recording, please return to:
Town Clerk
Town of Apex
P.O. Box 250
Apex, NC 27502

ORDINANCE NO. 2022-0510-12
ANNEXATION PETITION NO. # 731
0 Kelly Road

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF APEX, NORTH CAROLINA
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-58.1, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 7:00 p.m. on May 10, 2022, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-58.1, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S.§160A-58.1, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on May 10, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Map for the Town of Apex (property of Tony C. Sears and Judy T. Sears), dated May 5, 2021" and recorded in Book of Maps book number 2022 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 10th day of May, 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Julie Reid
Interim Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

AREA 1 PROPERTY DESCRIPTION:

COMMENCING FROM AN EXISTING IRON PIPE, SAID PIPE BEING A NORTHEASTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY SM RALEIGH, LLC AS RECORDED IN DEED BOOK 16983, PAGE 2335, WAKE COUNTY REGISTRY AND SHOWN IN BOOK OF MAPS 2018, PAGES 176-178, WAKE COUNTY REGISTRY AND HAVING NC GRID (NAO 83'/2011) COORDINATES OF N = 711681.7505 FEET AND E = 2033307.6379 FEET; THENCE ALONG AND WITH SAID NORTHERN PROPERTY LINES 88°58'16" EA DISTANCE OF 243.48 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 275.29 FEET, SAID CURVE HAVING A RADIUS OF 751.50 FEET, A CHORD BEARING OF N 34°43'31" E AND A CHORD DISTANCE OF 273.76 FEET TO A POINT; THENCE N 45°13'11" EA DISTANCE OF 120.83 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 107.02 FEET, SAID CURVE HAVING A RADIUS OF 576.50 FEET, A CHORD BEARING OF N 50°32'17" E AND A CHORD DISTANCE OF 106.87 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE N 47°55'37" EA DISTANCE OF 243.05 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 12.33 FEET, SAID CURVE HAVING A

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Page

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STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Julie Reid, Interim Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2022-0510-12, adopted at a meeting of the Town Council, on the 10th day of May, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 10th day of May 2022.

Julie Reid
Interim Town Clerk

(SEAL)

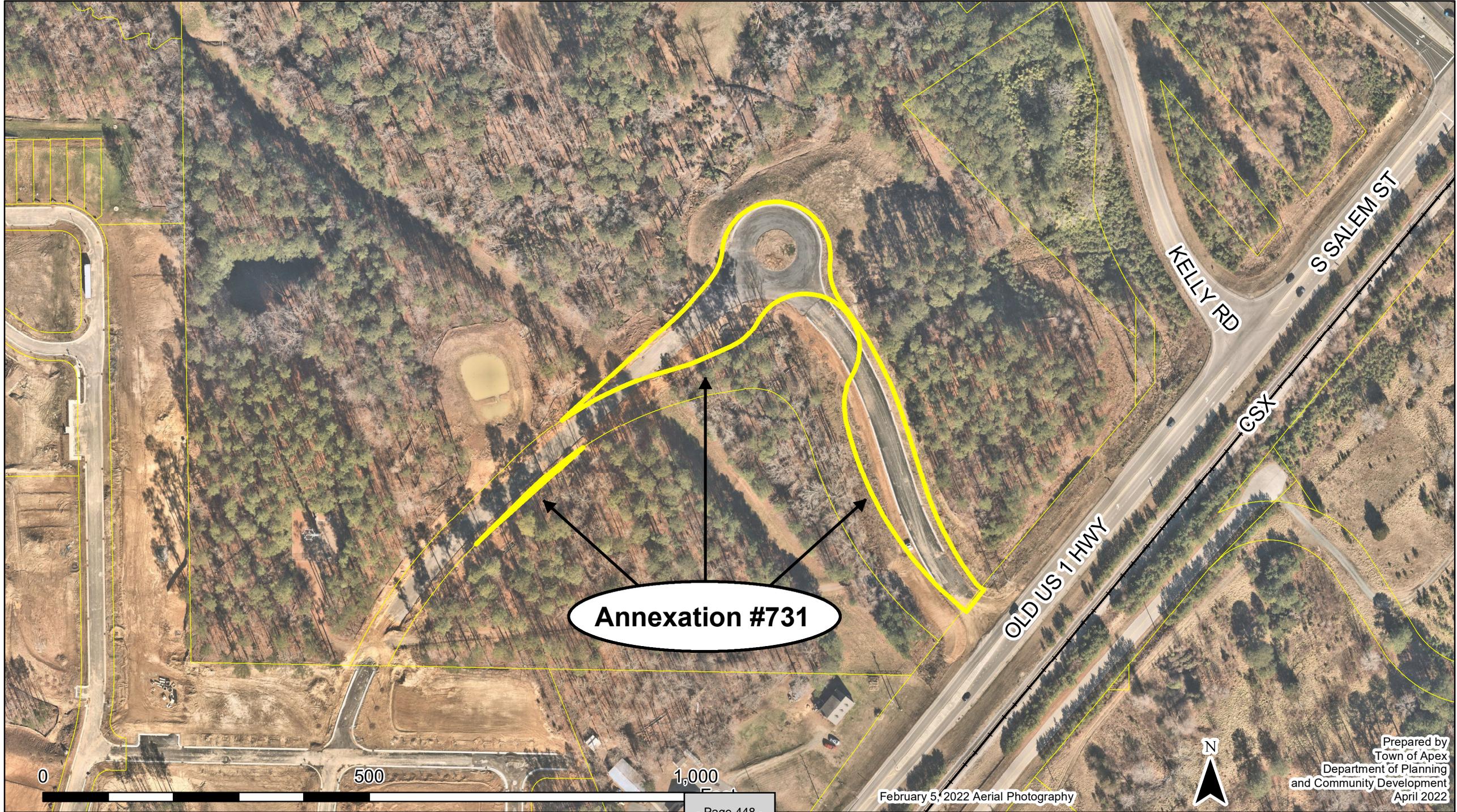
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Annexation #731

KELLY RD

S SALEM ST

OLD US 1 HWY

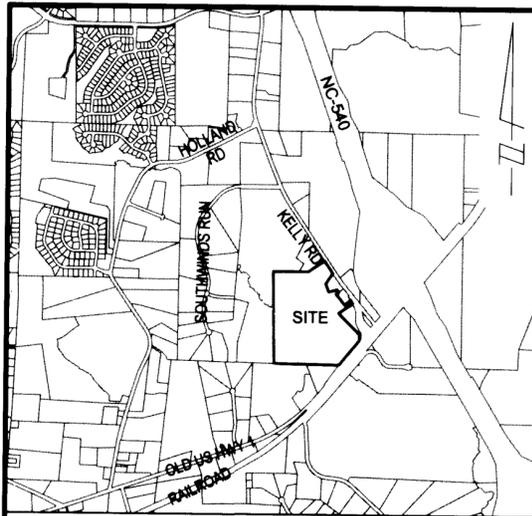
CSX

0

500

1,000





I, DAN GREGORY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN BOOK, SEE PAGE REFERENCES. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK, SEE PAGE REFERENCES. THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

8 DAY OF MARCH A.D. 2022.

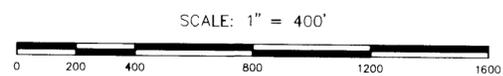
DAN GREGORY, PLS L-5240



Annexation # _____
 I, _____ Town Clerk, Apex, North Carolina
 certify this a true and exact map of annexation adopted the _____ day of _____
 by the Town Council. I set my hand and seal of the Town of Apex,
 Day/Month/Year _____
 _____ Town Clerk
 -Seal-

- NOTE:
1. AREAS BY COORDINATE GEOMETRY UNLESS SHOWN OTHERWISE.
 2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
 3. ALL STREETS ARE PUBLIC RIGHTS-OF-WAY UNLESS SHOWN OTHERWISE.
 4. NO NCGS MONUMENT WITHIN 2,000 FEET OF PROPERTY.
 5. PROPERTY CORNERS ARE CALCULATED POINTS UNLESS SHOWN OTHERWISE.
 6. NO FEMA FLOOD HAZARD AREAS PER FIRM NUMBER 3720073100J DATED MAY 02, 2006. FLOOD ZONE IS 'X'.
 7. PROPERTY IS ZONED PUD-C2 (ZONING CASE # 15C233) AND SUBJECT TO APPLICABLE BUILDING SETBACKS AS DEFINED IN SAID ZONING CASE.
 8. THE COORDINATES SHOWN ON THIS PLAT WERE DERIVED BY REAL TIME NETWORK (RTN) GLOBAL POSITIONING SYSTEM (GPS). THIS METHOD RESULTS IN (NAD 1983/2011) - (CORS 98) POSITIONS AND NORTH AMERICAN VERTICAL DATUM '86 (MEAN SEA LEVEL) ELEVATIONS USING THE CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) MAINTAINED BY NORTH CAROLINA GEODETIC SURVEY. CLASS A SURVEY, 0.033 FT POSITIONAL ACCURACY, VRS FIELD PROCEDURE, GEOD12A AND UNITS IN FEET.

RECORDED IN
 BOOK OF MAPS _____ PAGE _____



REV.	DATE	DESCRIPTION	BY
2	02-25-2022	REVISED PER COMMENTS #2	CWC
1	02-14-2022	REVISED PER COMMENTS #1	CWC

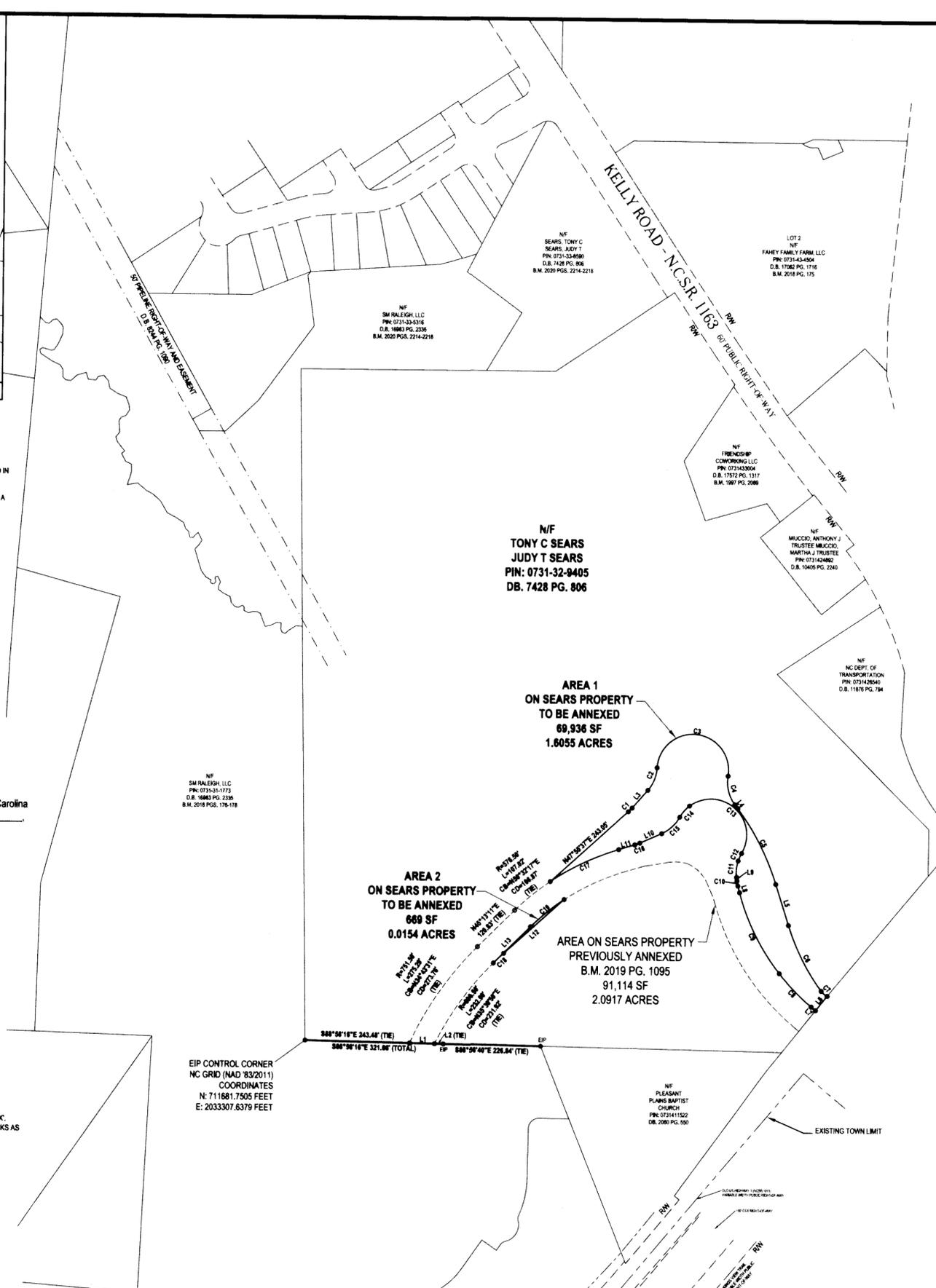


BANK, NIXON & KENNEDY, INC.
 CONSULTING ENGINEERS
 • 6310 CHAPEL HILL ROAD, SUITE 250
 RALEIGH, NORTH CAROLINA 27607
 • TELEPHONE: (919)851-4422 OR (800)354-1879
 FAX: (919)851-8968
 • CERTIFICATION NUMBERS: NCBELS (C-0110); NCBLA (C-0267)

SURVEYED BY
 GS
 DRAWN BY
 PM
 CHECKED BY
 DG
 DATE
 05-05-21

**SATELLITE ANNEXATION MAP
 FOR THE TOWN OF APEX**
 PROPERTY OF
TONY C. SEARS & JUDY T. SEARS
 BUCKHORN & WHITE OAK TOWNSHIP WAKE COUNTY NORTH CAROLINA

SHEET
 1
 OF
 1



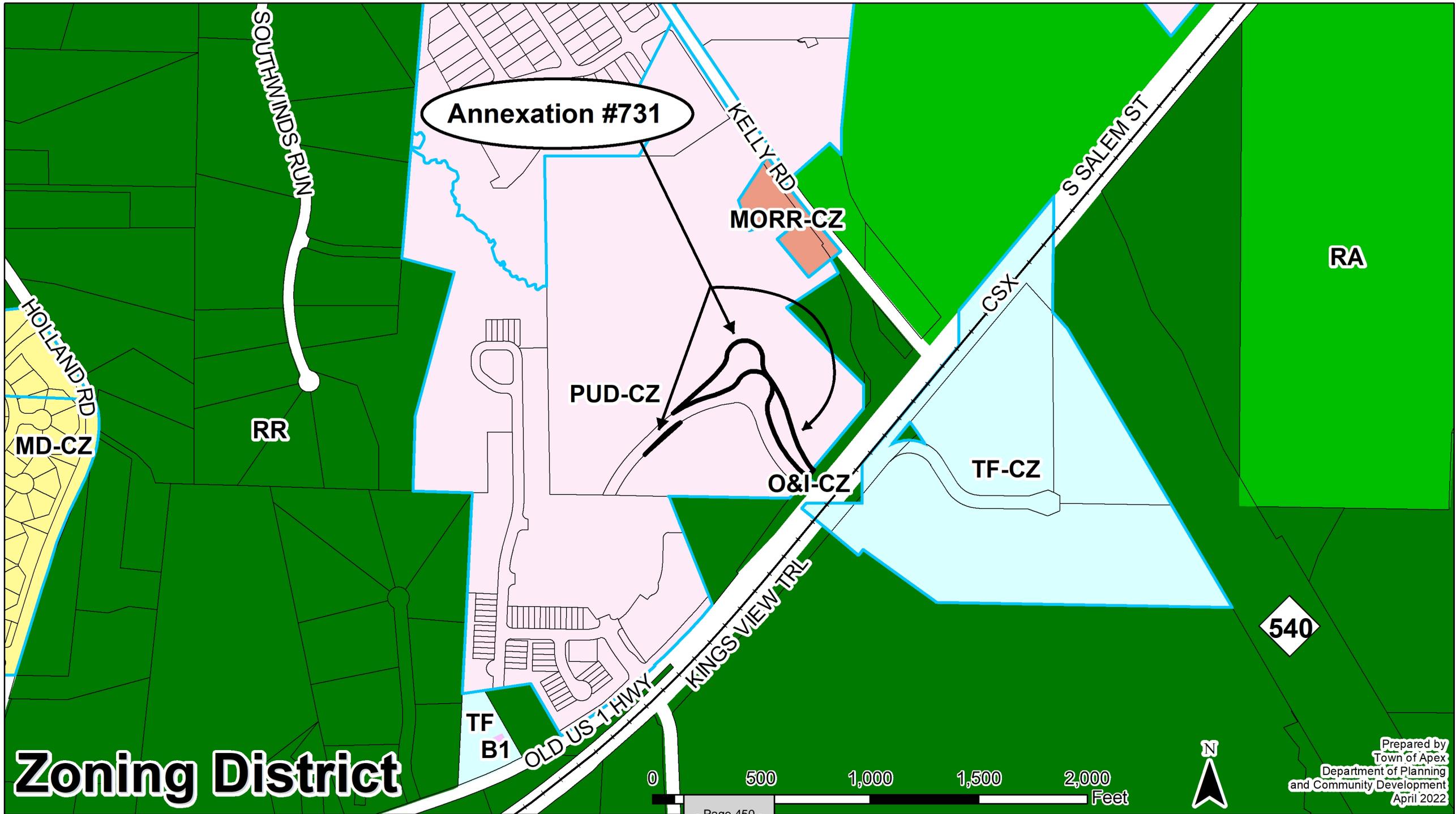
LINE	BEARING	DISTANCE
L1	S 88°58'18" E	58.07'
L2	S 88°58'18" E	20.10'
L3	N 40°47'28" E	55.37'
L4	S 30°59'35" E	11.50'
L5	S 17°51'20" E	100.00'
L6	S 38°31'18" W	43.17'
L7	N 50°09'57" W	13.19'
L8	N 14°58'35" W	18.08'
L9	N 07°13'14" W	8.57'
L10	S 86°19'57" W	55.37'
L11	S 73°24'08" W	36.80'
L12	S 73°24'08" W	5.72'
L13	S 47°59'37" W	188.19'
L13	N 45°13'11" E	120.83'

CURVE	RADIUS	LENGTH	CHORD DIRECTION	CHORD
C1	90.00'	12.33'	N 44°21'33" E	12.32'
C2	87.50'	57.86'	N 21°54'48" E	56.62'
C3	83.25'	270.29'	S 83°57'09" E	186.27'
C4	87.50'	70.33'	S 13°58'07" E	68.45'
C5	581.00'	192.41'	S 27°13'32" E	186.47'
C6	518.00'	171.82'	S 27°00'33" E	171.94'
C7	37.50'	16.30'	S 50°28'14" E	16.11'
C8	518.00'	107.86'	N 44°13'23" W	107.47'
C9	519.00'	211.09'	N 26°37'42" W	209.84'
C10	87.50'	11.84'	N 11°09'54" W	11.84'
C11	87.50'	38.81'	N 05°25'48" E	38.30'
C12	87.50'	19.05'	N 24°17'56" E	19.01'
C13	83.25'	228.41'	N 48°24'32" W	163.41'
C14	83.25'	36.07'	S 40°34'43" W	34.81'
C15	87.50'	57.86'	S 47°23'17" W	56.62'
C16	99.00'	12.33'	S 86°50'01" W	12.32'
C17	578.50'	178.54'	S 64°37'44" W	175.88'
C18	698.50'	33.00'	S 48°34'24" W	33.00'
C19	523.50'	100.77'	N 50°44'03" E	100.81'

LEGEND
 EIP = EXISTING IRON PIPE
 IPS = IRON PIPE SET
 CP = CALCULATED POINT
 RW = RIGHT-OF-WAY

OWNERS OF PROPERTY TO BE ANNEXED:
 TONY C. SEARS & JUDY T. SEARS
 2508 KELLY ROAD
 APEX, N.C. 27502-9563

TOTAL ADDITIONAL AREA OF ANNEXATION =
70,605 SQ. FT. / 1.6209 ACRES

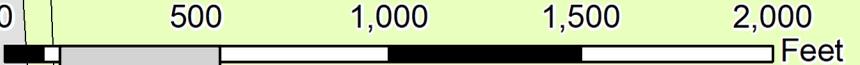


Annexation #731

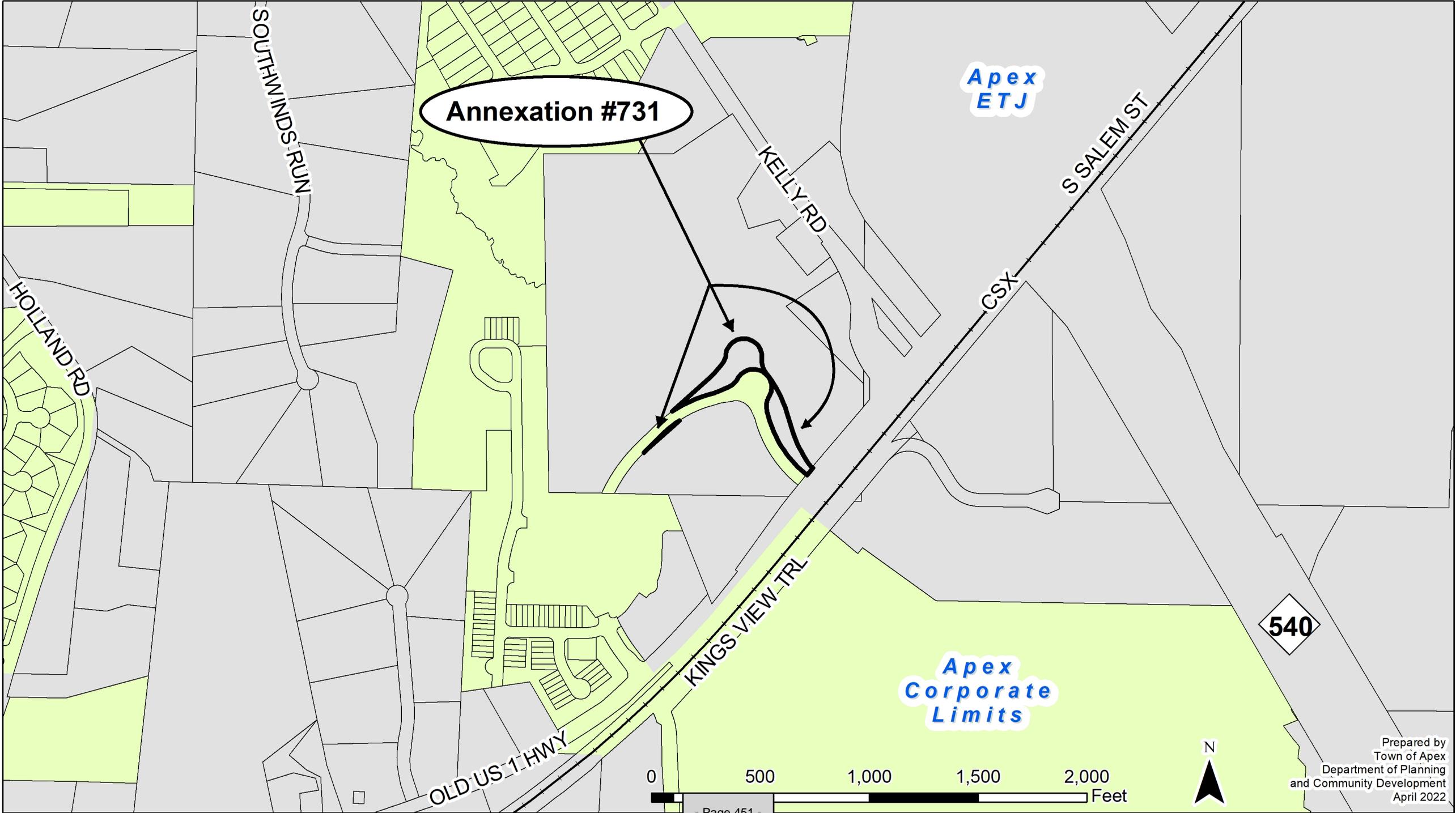
**Apex
ETJ**

**Apex
Corporate
Limits**

540



Prepared by
Town of Apex
Department of Planning
and Community Development
April 2022



PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 2022-006
Fee Paid \$ 200.00

Submittal Date: 2-1-22
Check # Master Card

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

- 1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, North Carolina.
2. The area to be annexed is [] contiguous, [] non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

OWNER INFORMATION

TONY & JUDY SEARS 0731329405
Owner Name (Please Print) Property PIN or Deed Book & Page #
Phone E-mail Address
Owner Name (Please Print) Property PIN or Deed Book & Page #
Phone E-mail Address
Owner Name (Please Print) Property PIN or Deed Book & Page #
Phone E-mail Address

SURVEYOR INFORMATION

Surveyor: DAN GREGORY, PLS
Phone: 919-851-4422 Fax:
E-mail Address: DAN.GREGORY@BNKINC.COM

ANNEXATION SUMMARY CHART

Table with 2 columns: Property Information and Reason(s) for annexation (select all that apply). Rows include Total Acreage to be annexed (1.6209), Population of acreage to be annexed, Existing # of housing units, Proposed # of housing units, Zoning District*, Need water service due to well failure, Need sewer service due to septic system failure, Water service (new construction), Sewer service (new construction), and Receive Town Services.

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Tony C Sears
Please Print

Tony C Sears
Signature

Judy T. Sears
Please Print

Judy T. Sears
Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jaclyn Elek, a Notary Public for the above State and County,
this the 28 day of January, 2022.

Jaclyn Elek
Notary Public

My Commission Expires: 12-4-2023



COMPLETE IF CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the ____ day of _____, 20____.

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the ____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, _____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20__.

Name of Limited Liability Company _____

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the ____ day of _____, 20__.

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20__.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the ____ day of _____, 20__.

Notary Public

SEAL

My Commission Expires: _____

PAYMENT DATE

02/01/2022

COLLECTION STATION

Jeri Pederson

RECEIVED FROM

Brian Ketchem

DESCRIPTION

Annexation #731 West Village Ph 2 - 2022-00000006

TOWN OF APEX

P O BOX 250

APEX, NC 27502

(919) 362-8676 - Utility Payments

(919) 249-3418 - Permits Only

(919) 249-3426 - Planning & Zoning Only

BATCH NO.

2022-00002373

RECEIPT NO.

2022-00145913

CASHIER

Jeri Pederson

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT						
PPC	PROJECT PLANNING CENTER FEES Annexation #731 West Village Ph 2 - 2022-00000006	\$200.00						
<p style="text-align: right;">Payments:</p>	<table border="1"> <thead> <tr> <th data-bbox="435 625 527 657">Type</th> <th data-bbox="527 625 1073 657">Detail</th> <th data-bbox="1073 625 1187 657">Amount</th> </tr> </thead> <tbody> <tr> <td data-bbox="435 657 527 688">Other</td> <td data-bbox="527 657 1073 688"></td> <td data-bbox="1073 657 1187 688">\$200.00</td> </tr> </tbody> </table>	Type	Detail	Amount	Other		\$200.00	
Type	Detail	Amount						
Other		\$200.00						
Total Amount:		\$200.00						

Customer

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 10, 2022

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development

Requested Motion

Public hearing and possible motion to approve Rezoning Application #21CZ29 North Salem Station PUD. The applicant, Ana Wadsworth with The Wooten Company, seeks to rezone approximately 10.39 acres from Planned Commercial (PC) & Neighborhood Business (B1) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Candun Dr., 0 Laura Duncan Rd., and 0 N. Salem St.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a Public Hearing on April 11, 2022 and by a vote of 4-3 voted to recommend approval of the rezoning with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0753024120, 0753026029, 0753028181, 0753019925, 0753019769, 0753016795, 0753015606, 0753013228, & 0743908968

Attachments

- Staff Report
- Application



STAFF REPORT

Rezoning #21CZ29 North Salem Station PUD

May 10, 2022 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 0 Candun Dr., 0 Laura Duncan Rd., & 0 N. Salem St.
Applicant: Ana Wadsworth, The Wooten Company
Authorized Agent: Jeff Shifflett, Castle Development Partners
Owner: Old Apex Associates, LP

PROJECT DESCRIPTION:

Acreage: +/- 10.39 acres
PINs: 0753024120, 0753026029, 0753028181, 0753019925, 0753019769, 0753016795, 0753015606, 0753013228, & 0743908968
Current Zoning: Planned Commercial (PC) & Neighborhood Business (B1)
Proposed Zoning: Planned Unit Development–Conditional Zoning (PUD-CZ)
2045 Land Use Map: High-Density Residential (apartments only)/Commercial Services and High-Density Residential/Office Employment
Town Limits: Inside Corporate Limits

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Cary Planned Development District (PDD Major); Residential Agriculture (RA)	Single-family Residential (Linville Ridge Subdivision); Vacant
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #10CZ07); Neighborhood Business (B1); Cary Planned Development District (PDD Major)	Single-family residential (Ellington Place Subdivision); NCDOT remnant; Laurel Park Elementary
East:	Cary Mixed Use District (MXD); Neighborhood Business (B1)	Townhomes (Laurel Crossing Subdivision); NCDOT remnant
West:	Medium Density-Conditional Use (MD-CU #06CU17); Neighborhood Business-Conditional Use (B1-CU #98CU06)	Single-family residential (The Trace Subdivision); Office & Commercial

BACKGROUND:

The site consists of nine (9) parcels totaling +/- 10.39 acres. The North Salem Station PUD is in the northeast region of Apex, along North Salem Street and Laura Duncan Road. The property was previously rezoned in 1986, and has since been available for development with uses consistent with a shopping center. The lots are primarily vacant and cleared with a few small trees planted adjacent toward the public roads.

Since these parcels were created prior to the adoption of the UDO in 2000, they are governed by the pre-UDO zoning ordinance. This document was less stringent than the UDO in many ways. Rezoning the lots or changing the lot lines requires compliance with the current UDO. Below is a general list of differences.

	Current Zoning & Pre-UDO Zoning Ordinance	Proposed Rezoning and/or UDO
SCMs	Not Required	UDO Required
RCA	Not Required	20% UDO Required

STAFF REPORT

Rezoning #21CZ29 North Salem Station PUD

May 10, 2022 Town Council Meeting



	Current Zoning & Pre-UDO Zoning Ordinance	Proposed Rezoning and/or UDO
Parks & Rec Fees	Not Required	UDO Required
Greenway Construction	Not Required	UDO Required
Sidewalks	One Side of Street	Both Sides of Street in PUD
Parking Maximums	Not Required	PUD Provided
Architectural Standards	Very Limited	PUD Provided
Maximum Height	Max 5 Story	PUD Provided: Max 4 Story
Affordable Housing	Not Required	PUD Provided
Environmental Zoning Conditions	Not Required	PUD Provided

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on October 26, 2021. The meeting report is attached to the staff report.

2045 LAND USE MAP:

In 2021, Town Council updated the 2045 Land Use Map to add an apartment only designation to certain areas designated as High Density Residential along existing and planned transit routes. This site is one of those areas. The 2045 Land Use Map designates the parcels south of North Salem St as High Density Residential/Office Employment and the parcels north of North Salem St. as High Density Residential (apartments only)/Commercial Services. Per Advance Apex: 2045 Land Use Map Update, the minimum density for High Density Residential is 14 dwelling units per acre with a maximum density to be determined at the time of rezoning. The proposed rezoning is consistent with the 2045 Land Use Map designations in that it proposes a maximum of 23 dwelling units per acre or 239 apartments.

WCPSS COORDINATION:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that all schools within the current assignment area for this rezoning/development are anticipated to have sufficient capacity for future students.

PLANNED UNIT DEVELOPMENT PLAN:

The applicant is proposing a Planned Unit Development with uses and development standards as follows:

Proposed Uses:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

Permitted Residential Use Categories: Parcels 2, 3, and 4, as shown on PUD Layout	
Multi-Family/Apartment	Accessory apartment
Condominium	Utility minor
Townhouse	Park, active
Duplex	Park, passive
Triplex	Private Recreation Facility
Quadplex	

STAFF REPORT

Rezoning #21CZ29 North Salem Station PUD

May 10, 2022 Town Council Meeting



Permitted Non-Residential Use Categories: Parcel 6, as shown on PUD Layout	
Recreational Uses:	Food and Beverage Services:
Park Active/Park Passive	Restaurant, General
Office and Research:	Industrial Services:
Medical or Dental Office or Clinic	Woodworking or cabinetmaking
Medical or Dental Laboratory	Manufacturing and processing, minor (S)
Office (Business or Professional)	Microbrewery
Research Facility	Micro Distillery
Retail Sales and Services:	
Artisan Studio	Barber and Beauty Shop
Book Store	Floral Shop
Financial Institution	Grocery, General
Grocery, Specialty	Health/fitness center or spa
Kennel	Printing and copying service
Real estate sales	Retail sales, general
Studio for art	Tailor shop
Upholstery shop	Pet services

Conditions:

1. A maximum of 239 residential units shall be permitted upon the property. No more than 10% of which shall be 3 bedroom units.
2. Lots 2-4: The residential clubhouse building will incorporate a solar PV system (minimum 4KW DC Solar PV System). Solar conduits will be included in all residential buildings for potential future installations. All solar installation required by this condition shall be completed or under construction prior to the final building Certificate of Occupancy.
3. Pet waste stations shall be installed at 3 or more locations throughout the development.
4. **Affordable Housing:** To support the need for affordable housing within the Town of Apex, the Developer proposes that for a minimum affordability period of five (5) years from the issuance of the first residential certificate of occupancy (the "Affordability Period), at least eight (8) residential dwelling units built on the Property shall be designated as affordable low-income restricted rental units (the "Affordable Dwelling Units"). The Affordable Dwelling Units shall be rented to and occupied by low-income households during the Affordability Period at maximum rent limits per bedroom size and income limits adjusted for family size, no greater than sixty percent (60%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD) and stipulated by the most recently published North Carolina Housing Finance Agency (NCHFA) Low-Income Housing Tax Credit (LIHTC) Multifamily Tax Subsidy Program (MTSP) income and rent limits for the Wake Metropolitan area. Allocation of the Affordable Dwelling Units between 1, 2 and 3-bedroom units will be at the discretion of the Developer, so long as a minimum of eight (8) of the Project's total residential dwelling units are maintained as Affordable Dwelling Units. During the Affordability Period, the Developer shall be responsible for performing all property management and administration duties for the Affordable Dwelling Units. Following completion of the Affordability Period, this affordable housing condition shall expire, the Developer shall be relieved of all obligations set forth in this affordable housing condition, and the Affordable Dwelling Units may be freely marketed and leased at market-rate rents. A restrictive covenant (i.e. affordable



housing agreement) between the Town and Applicant shall be recorded against the property prior to the first Certificate of Occupancy to memorialize the affordable housing terms and conditions of the approved zoning condition.

5. **Public Art:** The Town of Apex’s Public Art Plan designates the area around the intersection of Laura Duncan and North Salem as a “Major Gateway” into Apex. To help promote the Town’s Public Art Plan, the Applicant proposes to dedicate an easement for the installation of public art. Location of the art installation will be agreed upon and determined during site plan review. Application proposes to donate \$10,000 to the Citizens for Apex Parks to be allocated towards an art installation to be erected within this development area.
6. **Sustainable Building Certification:** The residential parcels shall apply for the National Green Building Standard Certification at the Bronze level and will be designed and constructed to meet those standards. The application process would begin at the start of architectural design for the residential buildings). The Certification would be obtained within 1 year of the building Certificate of Occupancy. A third-party energy management consultant will be contracted as a part of the design team to ensure that the standards are met.

Architectural Conditions:

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Site Plan submittal. The following conditions shall apply:

Residential (all product types):

1. Proposed materials and styles will be of a similar palette to provide consistency of character along with visual interest. Exterior materials that may be incorporated into any of the residential buildings include:
 - a. Cementitious siding
 - b. Wood or synthetic wood siding
 - c. Stone or synthetic stone
 - d. Brick
 - e. Additional building materials may be included with administrative staff approval. Substitute materials shall be allowed by staff approval if the Planning Director determine them to be adequately similar.
2. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
3. For multi-family/apartment buildings, the roofs may be pitched or flat. All other housing types shall have pitched roofs.
4. Siding materials shall be varied in type and/or color on 30% of each facade on each building.
5. Windows that are not recessed must be trimmed.
6. Rooflines cannot be a single mass; they must be varied with the use of gables or parapets.
7. Solar conduit will be provided on all buildings to accommodate the future installation of solar panels.
8. The proposed residential unit mix will cap 3-bedroom units at 10% of the total unit count.

Non-Residential:

1. Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details as well as landscaping shall be incorporated to add visual interest. Large expanses of blank walls, greater than 20 feet in length or height, shall be broken up with windows or other architectural features to reduce visual impacts.
2. Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material.
3. Two (2) or more materials shall be used on each building.

STAFF REPORT

Rezoning #21CZ29 North Salem Station PUD

May 10, 2022 Town Council Meeting



4. Permitted materials include:
 - a. Brick, stone, or synthetic stone masonry
 - b. Decorative concrete block (integral color or textured)
 - c. Stone accents
 - d. Aluminum storefront windows/doors with anodized or pre-finished colors
 - e. EIFS cornices and parapet trim
 - f. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to 25% of each building facade.
 - g. Precast concrete
 - h. Cementitious siding
5. Prohibited materials include:
 - a. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
 - b. Painted, smooth faced concrete block
 - c. Metal Walls. Decorative metal accents and panels may be accepted.
6. Exterior lighting shall not exceed a color temperature of 3,500K and shall meet UDO requirements for full cut off lights.

Proposed Design Controls:

Overall Maximum Density:	23 units/acre
Maximum Residential Units:	239
Maximum Building Height:	
Residential:	4 stories (60 ft.)
Non-Residential:	2 stories (40 ft.)
Maximum Built-Upon Area:	70%
Non-Residential Max Building Area:	10,000 sf

Residential Parcels:

Building Setbacks:	Parcel 2:	Parcel 3:	Parcel 4:
Front:	10 ft. along Candun Dr.	50 ft. south of Candun Dr. 20 ft. north of Candun Dr.	50 ft. along N. Salem St.
Side:	20 ft. along Laura Duncan Rd.	50 ft. along Old Apex Rd 5 ft. from buffer on north side	50 ft. along Laura Duncan Rd. 10 ft. along Candun Dr.
Rear:	5 ft. from perimeter buffer	60 ft.	10 ft. along Candun Dr.
From Buffers/RCA:			
For parking:	0 Ft from perimeter buffer	5 ft. from perimeter buffer	5 ft. from perimeter buffer

Non-Residential Parcel:

Building Setbacks:	Parcel 6:		
Front:	10 ft. from buffer	From Buffers/RCA:	
Side:	10 ft.	For parking:	5 ft. from perimeter buffer
Rear:	10 ft.		

STAFF REPORT

Rezoning #21CZ29 North Salem Station PUD

May 10, 2022 Town Council Meeting



Proposed Resource Conservation Area & Buffers:

The proposed North Salem Station PUD complies with the UDO requirement to dedicate 20% of the development as RCA. Parcels 1 and 5 will be dedicated as RCA. Parcels 1 and 5 shall be planted to meet the UDO's requirements for planted RCA and shall be dedicated as RCA prior to the last Site Plan Final Plat for the residential portion of the development.

RCA Breakdown	
Total Site Area:	10.39 acres/452,588 SF
Total RCA Required (20%):	2.08 acres/90,518 SF
Total RCA Provided (20.8%):	2.16 acres/93,944 SF

Perimeter Buffers – Lots 2, 3, and 4	UDO Requirement	PUD Proposal
Northern Buffer	20-foot Type B Buffer	10-foot Type A Buffer
Eastern Buffer	15-foot Type A Buffer	15-foot Type A Buffer
North Salem Street	30-foot Type B Buffer	30-foot Type A Buffer*
Western Buffer	15-foot Type A Buffer	No buffer
Candun Drive	No buffer	No buffer
Laura Duncan Road	0 feet	0 feet

*The overhead Duke Energy electric easement along North Salem Street shall be counted towards the required buffer standards as identified within various UDO sections. Vegetation planted under the buffer shall be chosen to be 20 feet or less tall, so as to avoid impacting the overhead utility lines.

Perimeter Buffers – Lot 6	UDO Requirement	PUD Proposal
North Salem Street	30-foot Type E Buffer	20-foot Type A Buffer
Eastern Buffer	No buffer	No buffer
Southern Buffer (Railroad)	20-foot Type A Buffer	No buffer
Western Buffer	No buffer	No buffer

Although not anticipated, any existing trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual, either on-site or at an alternative location approved by Town Planning Staff, beyond standard UDO requirements.

Landscape will follow the Town's UDO to provide the required plantings on site throughout the development, as well.

Parking:

Parking calculations and dimensions for this PUD will comply with UDO Section 8.3 (Off-Street Parking and Loading) of the Town of Apex's Unified Development Ordinance unless otherwise stated in this document.

Residential:

This development proposes a minimum of 1.3 spaces/residential unit and a maximum of 1.6 spaces/residential unit for all surface lot spaces serving the residential lots. This cap on the maximum parking count was incorporated after discussions with Town Council members and is intended to reduce the number of parking spaces from what the ordinance would require otherwise to maximize green space and promote the use of public transit. The parking count will be based on all unit types and not specify a requirement per number of bedrooms. No more than 10% of the total unit count shall be 3-bedroom units.

STAFF REPORT

Rezoning #21CZ29 North Salem Station PUD

May 10, 2022 Town Council Meeting



Parking Space Comparison

Estimated # of Units	Per UDO Min Required	Per PUD Min 1.3 spaces/unit	Per UDO Max Permitted	Per PUD Max 1.6 spaces/unit
1 & 2 bedrooms: 216	1.5 per unit = 324	281 (280.8 rounded up)		346 (345.6 rounded up)
3 bedrooms: 23	1.8 per unit = 41 (41.1 rounded down)	30 (29.9 rounded up)		37 (36.8 rounded up)
Total: 239	365	311	(365*1.15) = 420 (419.75 rounded up)	383
PUD difference from UDO	0	-54	0	-37

Non-Residential:

Parking associated with the non-residential use lots shall comply with UDO Section 8.3. Bicycle and ADA parking will be provided as required.

Electric Vehicle Charging Spaces:

A minimum of 5% of the parking spaces shall be Electric Vehicle (EV) Charging spaces. EV charging spaces for the residential development shall be based on the number of parking spaces required by the UDO rather than the reduced parking ratio proposed by the PUD. EV charging spaces shall be provided in either surface or garage lots in accordance with UDO Sec. 8.3.11.

Public Facilities:

The North Salem Station PUD will be served by Town of Apex water, sanitary sewer, and electrical systems. The utility design will be finalized at Master Subdivision Plan review. A conceptual Utility Plan is included in the PUD Plan for reference. There is a variable width Duke Electric easement running along the residential frontage on North Salem Street. Water and sewer are available within Laura Duncan Road and Candun Drive. The ultimate design for the utilities shall meet the current Town of Apex Master Water and Sewer Plans for approval.

The proposed PUD shall meet all stormwater management quality and quantity requirements in accordance with 6.1.7 of the Town of Apex's Unified Development Ordinance.

- Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1- and 10-year storm events.
- Treatment will be provided for the 1st inch of runoff and will provide a minimum of 85% removal of total suspended solids.

Due to site constraints, stormwater control measures may include, but not be limited to, underground detention systems with NCDEQ approved Storm Filter and Filterra Systems for treatment and bioretention areas and/or construction stormwater wetlands in and around parking lots. If elevation change is feasible, an above ground stormwater detention pond may be added to a portion of the lot on the south side of N. Salem Street. All stormwater control measures shall be approved and designed according to the NCDEQ Design Manual as well as the Town of Apex's UDO.

Apex Transportation Plan/Access and Circulation:

Per the Apex Thoroughfare and Collector Street Plan map, North Salem Street is designated as an existing 3-lane thoroughfare. The developer will dedicate any right-of-way or easements necessary to accommodate the improvements listed below.

STAFF REPORT

Rezoning #21CZ29 North Salem Station PUD

May 10, 2022 Town Council Meeting



The Apex Bicycle and Pedestrian System Plan Map shows future Side Path along the east side of Laura Duncan Road and a greenway connection to the Town of Cary greenway running through Linville Ridge Subdivision. The PUD will provide sidewalks along both sides of all internal streets and construct a 10-foot Side Path along the eastern side of Laura Duncan Road. During construction of the residential development, the developer shall ensure that a safe, paved pedestrian route shall be maintained from Linville Ridge Subdivision to Laurel Park Elementary School.

Prior to the residential final plat, additional sidewalks, ADA ramps and crosswalks will be added along the street frontage of all residential parcels to enhance pedestrian connectivity around the development. A sidewalk along the south side of North Salem Street will be constructed from the intersection of Laura Duncan Road westward to the proposed bus stop located on the south side of North Salem Street. If approval of the bus stop and/or sidewalk on the south side of North Salem Street is not permitted by CSX Railroad, NCDOT and/or the Town of Cary, installation of this sidewalk will not be a condition of this rezoning and will not prohibit or delay any approvals or permits of the residential development.

Prior to the non-residential final plat, a sidewalk will be constructed along the property frontage of Lots 5 and 6, continuing eastward to the proposed bus stop located on the south side of North Salem Street. If approval of the bus stop and/or sidewalk on the south side of North Salem Street is not permitted by CSX Railroad, NCDOT and/or the Town of Cary, installation of this sidewalk will not be a condition of this rezoning and will not prohibit or delay any approvals or permits of the non-residential development.

At the intersection of Laura Duncan Road and North Salem Street, applicant shall install remaining two legs of the crosswalk with construction of the residential parcels. If approval of both (two) legs of the crosswalk are not permitted by CSX Railroad, NCDOT and/or Town of Cary, applicant will attempt approval of a single leg of crosswalk; if approval of a single leg of the crosswalk is not permitted by CSX Railroad, NCDOT and/or Town of Cary, installation of crosswalks at the intersection of Laura Duncan Road and North Salem Street will no longer be a condition of this rezoning and will not prohibit or delay any approvals or permits of the residential or non-residential developments.

The developer shall construct two bus stops per Town of Apex standards with amenity pad, bench, bicycle parking, and trash receptacle. Bus stops shall be constructed to accommodate a shelter, but shelters shall not be provided by the applicant. The bus stops shall be paired, to serve both sides of North Salem Street, the final location to be determined by Apex staff during site plan review. If needed, a Transit Access Easement shall be provided for public access to the bus stops.

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan review and approval process. A Traffic Impact Analysis has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the Traffic Impact Analysis, the following traffic improvements are proposed for this development:

1. All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval.
2. All development frontage improvements along North Salem Street shall be based on a minimum 41' back-to-back 3-lane roadway on 80' right-of-way. As part of the non-residential site plan, a maximum of one (1) access point shall be proposed on North Salem Street, to be located west of Salem Church Road and serving the south parcel.
3. All development frontage along Laura Duncan Road shall include a 5' sidewalk on the west side and 10' Side Path on the east side. A maximum of two (2) access points shall be proposed, one located north of Candun Drive serving the west side and one across from Candun Drive serving the east side.

STAFF REPORT

Rezoning #21CZ29 North Salem Station PUD

May 10, 2022 Town Council Meeting



4. All development frontage along both sides of Candun Drive shall include a 5' sidewalk. A maximum of three (3) access points shall be proposed, two located across from each other west of Laura Duncan Road serving the north and south side and one north of North Salem Street serving the east side.
5. Developer shall provide a 50' building setback along Laura Duncan Road from North Salem Street to Candun Drive and along the entire development frontage of North Salem Street in consideration of the planned grade separation of Laura Duncan Road at the railroad tracks.
6. Developer shall perform a warrant study for the intersection of Salem Church Road at North Salem Street if directed by Apex staff prior to site plan approval of the non-residential parcel south of North Salem Street and install a traffic signal if determined by warrant study and required by NCDOT. If not required at that time, developer shall have no future responsibility for a traffic signal.
7. Developer will dedicate a maximum of 0.24 acres of additional right of way as shown on the Site Layout based on a conceptual future single-lane roundabout at the intersection of North Salem Street and Salem Church Road.
8. At the time of constructing driveway access to the non-residential parcel located south of North Salem Street, developer shall widen North Salem Street to provide a two-way left-turn lane (TWLTL) between the driveway access and Salem Church Road serving left turns at both intersections.
9. Prior to the first Site Plan Final Plat for the residential parcels, Developer shall lengthen the eastbound left turn lane on Old Apex Road approaching Cary Parkway to the maximum extent possible by restriping the existing painted median island for additional storage length only if NCDOT allows this work to be done without milling and asphalt overlay. If NCDOT requires milling and asphalt overlay then this work shall not be required of the Developer.

ENVIROMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on August 19, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
1. Project shall apply for sustainable building certification.	Included
2. Pet waste stations shall be installed throughout the neighborhood.	Included
3. Site shall include electric vehicle charging stations.	Included
4. Include International Dark Sky Association compliance standards: Outdoor lighting shall be shielded in a way that focuses lighting to the ground. Lighting that minimizes the emission of blue light to reduce glare shall be used. Lighting with a color temperature of 3000K or less shall be used for outside installations.	Included
5. Reserve pervious surfacing areas for residents with pets.	Included
6. Double the set-back from Old Raleigh to accommodate a minimum 30-foot-wide "A" type buffer.	Included
7. Provide an "A" type buffer around the remainder of the development.	Included
8. Add a retention pond that will serve a "25-year storm" with a maximum residual volume allowed for the pond surface area.	Not included
9. Use canopy trees in the parking lot and add six trees internal to the lot.	Not included

STAFF REPORT

Rezoning #21CZ29 North Salem Station PUD

May 10, 2022 Town Council Meeting



EAB Suggested Condition	Applicant's Response
10. Install solar PV systems on the south facing rooftops of a minimum size that will support the common electrical energy requirements. This includes the recreational room and pool. If there is additional rooftop available, install solar energy PV systems that provide electricity to individual apartments.	Included on clubhouse

Due to site constraints, an underground detention system with other surface stormwater control measures will be proposed to detain and treat runoff from the 1- and 10- year, 24-hour storm events.

If site design allows, applicant agrees to install additional trees where appropriate.

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the project on February 23, 2022. They unanimously recommended a fee-in-lieu of dedication for 240 multi-family units and with credit for construction of greenway trail against fees owed. The timing for the completion of the greenway should be tied to the approval of the final plat. The rate of the fee-in-lieu will be set at the time of Town Council approval. The current 2022 rate of \$2,226.05 multiplied by the maximum multi-family unit total would result in \$534,252.00 of fees deposited with the Town at the time the building permit is approved for issue with greenway construction credit applied first.

# of Units	Fee per Unit	Total Fee
240	\$2,226.05	\$534,252.00

**The PRCR Commission reviewed this rezoning before the maximum number of apartments was reduced to 239.*

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #21CZ29 North Salem Station PUD as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on April 11, 2022 and voted 4 to 3 to recommend approval of the rezoning with the conditions offered by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map designates the parcels south of North Salem St as High Density Residential/Office Employment and the parcels north of North Salem St. as High Density Residential (apartments only)/Commercial Services. Per Advance Apex: 2045 Land Use Map Update, the minimum density for High Density Residential is 14 dwelling units per acre with a maximum density to be determined at the time of rezoning. The proposed rezoning is consistent with the 2045 Land Use Map designations in that it proposes a maximum of 23 dwelling units per acre or 239 apartments. The Apex Town Council has further considered that the proposed rezoning to Planned Unit Development–Conditional Zoning (PUD-CZ) will provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will support increased transit ridership, permit infill development, require greater environmental conditions than the existing zoning and provide an affordable housing option.



PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments.

1. *Planned Unit Development (PUD-CZ) District*

In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:

a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
- (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
- (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential



uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.

- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:
 - (i) A non-residential component;
 - (ii) An overall density of 7 residential units per acre or more; or
 - (iii) Environmental measures including but not limited to the following:
 - a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
 - b. The installation of a geothermal system for a certain number or percentage of units within the development; or
 - c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
 - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.



- (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
- (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.
- (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

LEGISLATIVE CONSIDERATIONS

The Town Council shall find the Planned Unit Development-Conditional Zoning (PUD-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery,

STAFF REPORT

Rezoning #21CZ29 North Salem Station PUD

May 10, 2022 Town Council Meeting



parking and loading, odors, noise, glare, and vibration and not create a nuisance.

- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



December 29, 2021

Michael P. Karpinski, PE.
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609

Subject: **Staff summary and comments for the North Salem Station TIA, 12/01/2021**

Mr. Karpinski:

Please review the following summary of my comments and recommendations. You may schedule a meeting with me and your client to discuss at your convenience.

Study Area

The TIA studied access to the proposed mixed-use development at the following five (5) intersections:

- Laura Duncan Road and Candun Drive/Access A
- Laura Duncan Road and Access B
- Candun Drive and Access C
- Candun Drive and Access D
- N. Salem Street and Access E (commercial parcel access).

The following four (4) intersections were also studied in the TIA:

- N. Salem Street and Salem Church Road
- N. Salem Street and Candun Drive
- N. Salem Street / Old Apex Road and Laura Duncan Road
- Old Apex Road and Cary Parkway

Trip Generation

The proposed development is expected to consist of up to 240 low-rise apartment units and 10,000 square feet of retail space. It's projected to generate approximately 31 new trips entering and 88 new trips exiting the site during the weekday A.M. peak hour and 112 new trips entering and 82 new trips exiting the site during the weekday P.M. peak hour. The development is projected to add an additional 3,030 new daily trips onto the adjacent roadway network.

Background traffic

Background traffic consists of 3% annual background traffic growth compounded to build out year 2024.

Trip Distribution and Assignment

The trip distributions to and from the development site are as follows:

- 25% to/from the south via Laura Duncan Road
- 5% to/from the north via Laura Duncan Road
- 25% to/from the west via N. Salem Street
- 10% to/from the east via Old Apex Road
- 10% to/from the west via Salem Church Road
- 10% to/from the north via Cary Parkway
- 15% to/from the south via Cary Parkway

The proposed apartment complex in Scenario 1 is anticipated to be accessed from Laura Duncan Road and Candun Drive via Access A, B, C and D while the proposed retail space in Scenario 2 is anticipated to have a separate driveway to N. Salem Street west of Salem Church Road via Access E.

Traffic Capacity Analysis and Recommendations

Level of Service (LOS) is a grade of A through F assigned to an intersection, approach, or movement to describe how well or how poorly it operates. LOS A through D is considered acceptable for peak hour operation. LOS E or F describes potentially unacceptable operation and developers may be required to mitigate their anticipated traffic impact to improve LOS based on the Apex Unified Development Ordinance (UDO).

Tables 1 through 9 describe the levels of service (LOS) for the scenarios analyzed in the TIA. "NA" is shown when the scenario does not apply. The scenarios are as follows:

- **Existing 2021** - Existing year 2021 traffic.
- **No Build 2024** – Projected year (2024) with background growth.
- **Build 2024 Scenario 1** – Projected year (2024) with background traffic, and apartment build out only.
- **Build 2024 Scenario 2** – Projected year (2024) with background traffic, and full build out of the development.

Laura Duncan Road and Candun Drive/Access A

Table 1. A.M. / P.M. Unsignalized Peak Hour Levels of Service Laura Duncan Road and Candun Drive/Access A				
	Existing 2021	No Build 2024	Build 2024 – Scenario 1	Build 2024 – Scenario 2
<u>Overall</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<i>Eastbound (Candun Drive)</i>	<i>A / A¹</i>	<i>A / A¹</i>	<i>B / B¹</i>	<i>B / B¹</i>
<i>Westbound (Access A)</i>	<i>NA</i>	<i>NA</i>	<i>B / B¹</i>	<i>B / B¹</i>
<i>Northbound (Laura Duncan Road)</i>	<i>A / A²</i>	<i>A / A²</i>	<i>A / A²</i>	<i>A / A²</i>
<i>Southbound (Laura Duncan Road)</i>	<i>NA</i>	<i>NA</i>	<i>A / A²</i>	<i>A / A²</i>

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends construction of Access A as a two-lane road (one lane of ingress and one lane of egress) with stop control on the approach leg. The TIA recommends that Access A is aligned with Candun Drive which is an existing public street.

Apex staff recommendations:

- Apex staff concur with the recommendations. The stop-controlled minor-street approaches are projected to operate at LOS B during both peak hours in both the build scenarios. Queuing on the minor-street approaches is not projected to be greater than 25 feet. The left turn movements off Laura Duncan Road are projected to operate at LOS A with minimal queuing and vehicular delays.

Laura Duncan Road and Access B

Table 2. A.M. / P.M. Unsignalized Peak Hour Levels of Service Laura Duncan Road and Access B		
	Build 2024 – Scenario 1	Build 2024 – Scenario 2
<u>Overall</u>	<u>NA</u>	<u>NA</u>
<i>Eastbound (Access B)</i>	<i>A / A¹</i>	<i>A / A¹</i>
<i>Northbound (Laura Duncan Road)</i>	<i>A / A²</i>	<i>A / A²</i>
<i>Southbound (Laura Duncan Road)</i>	<i>NA</i>	<i>NA</i>

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends construction of Access B as a two-lane road (one lane of ingress and one lane of egress) with stop control on the approach leg.

Apex staff recommendations:

- Apex staff concur with the recommendations. The stop-controlled minor-street approach is projected to operate at LOS A during both peak hours in both the build scenarios with no queues. The northbound left turn movement off Laura Duncan Road is also projected to operate at LOS A with no queueing and minimal vehicular delays.

Candun Drive and Access C

Table 3. A.M. / P.M. Unsignalized Peak Hour Levels of Service Candun Drive and Access C		
	Build 2024 – Scenario 1	Build 2024 – Scenario 2
<u>Overall</u>	<u>NA</u>	<u>NA</u>
<i>Eastbound (Candun Drive)</i>	<i>A / A²</i>	<i>A / A²</i>
<i>Westbound (Candun Drive)</i>	<i>A / A²</i>	<i>A / A²</i>
<i>Northbound (Access C)</i>	<i>A / A¹</i>	<i>A / A¹</i>
<i>Southbound (Access C)</i>	<i>A / A¹</i>	<i>A / A¹</i>

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends construction of the northbound and southbound approaches as two-lane roads (one lane of ingress and one lane of egress), with stop-control on the new minor-street approach legs.

Apex staff recommendations:

- Apex staff concur with the recommendations. The stop-controlled minor-street approaches are projected to operate at LOS A during both peak hours in both the build scenarios. Queuing on the minor-street approaches is not projected to be greater than 25 feet. The left turn movements off Candun Drive are projected to operate at LOS A with no queuing and minimal vehicular delays.

Candun Drive and Access D

Table 4. A.M. / P.M. Unsignalized Peak Hour Levels of Service Candun Drive and Access D		
	Build 2024 – Scenario 1	Build 2024 – Scenario 2
<u>Overall</u>	<u>NA</u>	<u>NA</u>
<i>Westbound (Access D)</i>	<i>A / A¹</i>	<i>A / A¹</i>
<i>Northbound (Candun Drive)</i>	<i>NA</i>	<i>NA</i>
<i>Southbound (Candun Drive)</i>	<i>A / A²</i>	<i>A / A²</i>

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends construction of the westbound approach as a two-lane road (one lane of ingress and one lane of egress), with stop-control on the new approach leg.

Apex staff recommendations:

- Apex staff concur with the recommendations. Apex staff recommends that Access D is aligned with the existing driveway on Candun Drive. The stop-controlled minor-street approach is projected to operate at LOS A during both peak hours in both the build scenarios. Queuing on the minor-street approaches is not projected to be greater than 25 feet. The left turn movement off Candun Drive is projected to operate at LOS A with no queueing and minimal vehicular delays.

North Salem Street and Access E

Table 5. A.M. / P.M. Unsignalized Peak Hour Levels of Service North Salem Street and Access E	
	Build 2024 – Scenario 2
<u>Overall</u>	<u>NA</u>
<i>Eastbound (N Salem Street)</i>	<i>NA</i>
<i>Westbound (N Salem Street)</i>	<i>A / A²</i>
<i>Northbound (Access E)</i>	<i>B / C¹</i>

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends construction of an exclusive westbound left-turn lane on N. Salem Street. The TIA recommends that the left turn lane be developed with widening for a two-way left-turn lane (TWLTL) along N. Salem Street that begins at Access E and terminates at Candun Drive. Additionally, the TIA recommends that Access E is constructed as a two-lane stop-controlled approach, with one lane of ingress and one lane of egress.

Apex staff recommendations:

- Apex staff recommends a westbound left turn lane on N. Salem Street at Access E with a minimum of 50 feet of storage and appropriate deceleration length and taper per NCDOT guidance. Apex staff does not recommend carrying a TWLTL widening along N. Salem Street through the Y-intersection of Salem Church Road, but rather terminating an eastbound left turn at Salem Church Road. The design as proposed in the TIA may create an undesirable lane shift without providing any improvement to operations. Therefore, staff do not recommend that additional widening without further evaluation during the design phase subject to NCDOT approval.
- The stop-controlled approach is projected to operate at LOS C or better with average vehicle delays of less than 16 seconds per vehicle, and queues of less than 25 feet. Additionally, the left turn into the site is projected to operate at LOS A with minimal vehicle delays and queues.

North Salem Street and Salem Church Road

Table 6. A.M. / P.M. Unsignalized Peak Hour Levels of Service North Salem Street and Salem Church Road				
	Existing 2021	No Build 2024	Build 2024 – Scenario 1	Build 2024 – Scenario 2
<u>Overall</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<i>Eastbound (N Salem Street)</i>	<i>A / A²</i>	<i>A / A²</i>	<i>A / A²</i>	<i>A / A²</i>
<i>Westbound (N Salem Street)</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>
<i>Southbound (Salem Church Road)</i>	<i>D / E¹</i>	<i>E / F¹</i>	<i>E / F¹</i>	<i>C / D¹</i>

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends widening of North Salem Street to a three-lane cross-section providing a continuation of the existing TWLTL along N Salem Street from Candun Drive to Access E. Widening of North Salem Street is recommended with Scenario 2 (apartments + commercial parcel) build out.

Apex staff recommendations:

- Apex staff recommends consideration of studying the intersection for signal warrants prior to development of the commercial parcel (Scenario 2), and install a traffic signal if permitted by NCDOT. This unsignalized intersection has experienced four (4) reported potentially correctable crashes (assuming signalization vs. stop control) in the year 2018 and 2019 and is anticipated to experience LOS E/F delays on the stop-controlled approach in the peak hours. It should be noted that the development is not projected to add more than 3% of traffic to this intersection, and no more than 10% to any one particular movement. Per UDO Section 13.19, signalization is not required to mitigate development traffic impact.
- Additionally, staff recommends construction of an eastbound left turn lane with a minimum of 50 feet of storage and appropriate deceleration length and taper as an alternative to a TWLTL extension through the intersection as noted previously. If further evaluation results in an acceptable alternative plan for the TWLTL extension subject to NCDOT approval then it could be presented as part of Phase 2.
- The TIA analysis shows that a TWLTL along North Salem Street significantly improves operations on the southbound approach from LOS E and LOS F to LOS C and LOS D in the AM and PM peaks, respectively. However, the Synchro analysis assumes the TWLTL can be used as a vehicle refuge area, allowing vehicles turning left from Salem Church Road to traverse the roadway one direction of travel at a time. This type of maneuver may not be practicable or advisable. Therefore, a more conservative approach that analyzes the TWLTL as a simple left turn lane at the intersection is recommended. When analyzed in this manner, operations on Salem Church Road

would remain at LOS E and LOS F in the AM and PM peak hours, respectively. Apex staff also have concerns about constructability and potential impacts of the TWLTL extension. Therefore, an eastbound left turn was recommended for vehicle storage at the intersection in lieu of the TWLTL extension regardless of anticipated impact on level service.

- Additionally, Town staff evaluated the possibility of converting this intersection to all-way stop control (AWSC). However, operations at the intersection break down, with multiple approaches experiencing LOS F in an AWSC scenario. Based on that analysis, AWSC is not recommended as an interim step prior to signalization subject to NCDOT approval.

North Salem Street and Candun Drive

Table 7. A.M. / P.M. Unsignalized Peak Hour Levels of Service North Salem Street and Candun Drive				
	Existing 2021	No Build 2024	Build 2024 – Scenario 1	Build 2024 – Scenario 2
<u>Overall</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<i>Eastbound (N Salem Street)</i>	<i>A / A²</i>	<i>A / A²</i>	<i>A / A²</i>	<i>A / A²</i>
<i>Westbound (N Salem Street)</i>	NA	NA	NA	NA
<i>Southbound (Salem Church Road)</i>	<i>B / B¹</i>	<i>B / C¹</i>	<i>B / C¹</i>	<i>B / C¹</i>

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends no improvements at this intersection.

Apex staff recommendations:

- Apex staff concur with the recommendation. The stop-controlled minor-street approach is projected to operate at LOS C or better during both peak hours in both the build scenarios with queues of 25 feet. The northbound left turn movement off North Salem Street is also projected to operate at LOS A with minimal queues and vehicular delays.

North Salem Street / Old Apex Road and Laura Duncan Road

Table 8. A.M. / P.M. Signalized Peak Hour Levels of Service North Salem Street / Old Apex Road and Laura Duncan Road				
	Existing 2021	No Build 2024	Build 2024 – Scenario 1	Build 2024 – Scenario 2
<u>Overall</u>	<u>B / D</u>	<u>C / D</u>	<u>C / D</u>	<u>C / E</u>
<i>Eastbound (N Salem Street)</i>	<i>C / D</i>	<i>C / E</i>	<i>C / E</i>	<i>C / F</i>
<i>Westbound (Old Apex Road)</i>	<i>A / B</i>	<i>A / C</i>	<i>B / C</i>	<i>B / C</i>
<i>Northbound (Laura Duncan Road)</i>	<i>C / F</i>	<i>C / E</i>	<i>D / E</i>	<i>D / E</i>
<i>Southbound (Laura Duncan Road)</i>	<i>B / D</i>	<i>C / D</i>	<i>C / D</i>	<i>C / D</i>

TIA recommendations:

- The TIA recommends no improvements at this intersection.

Apex staff recommendations:

- Apex staff concur with the recommendation in the TIA. The signalized intersection is projected to operate at LOS E in the PM peak hour under Scenario 2, with the eastbound approach operating at LOS F. Queueing and vehicle delays are projected to increase on all approaches with both Scenarios 1 and 2. However, the increase in intersection traffic due to the development is projected to be less than 10%, and turn movement storage bays are not exceeded with the addition of development traffic. Per UDO Section 13.19, no improvements are required to mitigate development traffic impact.
- Apex staff also evaluated restriping the right turn on the westbound approach to a through-right, and continuing the lane drop section further westward to Candun Drive. However, the anticipated lane utilization of that improvement would be low and not expected to improve overall operations from LOS E in the PM peak hour of Scenario 2, and thus is not recommended.

Old Apex Road and Cary Parkway

Table 9. A.M. / P.M. Signalized Peak Hour Levels of Service Old Apex Road and Cary Parkway				
	Existing 2021	No Build 2024	Build 2024 – Scenario 1	Build 2024 – Scenario 2
<u>Overall</u>	<u>D / E</u>	<u>D / E</u>	<u>D / E</u>	<u>D / E</u>
<i>Eastbound (Old Apex Road)</i>	<i>E / F</i>	<i>E / F</i>	<i>E / F</i>	<i>E / F</i>
<i>Westbound (Old Apex Road)</i>	<i>E / E</i>	<i>E / E</i>	<i>E / E</i>	<i>E / E</i>
<i>Northbound (Cary Parkway)</i>	<i>D / D</i>	<i>D / D</i>	<i>D / D</i>	<i>D / D</i>
<i>Southbound (Cary Parkway)</i>	<i>D / D</i>	<i>D / D</i>	<i>D / D</i>	<i>D / D</i>

TIA recommendations:

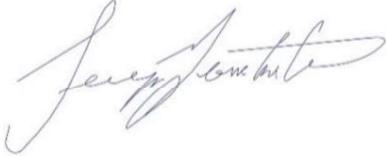
- The TIA recommends no improvements at this intersection.

Apex staff recommendations:

- Apex staff recommend consideration of lengthening the eastbound left turn lane to the maximum extent possible by restriping the existing painted median island for additional storage length. The signalized intersection is projected to operate at LOS E in the PM peak hour under both scenarios, with the eastbound approach operating at LOS F. Queueing and vehicle delays are projected to increase on all approaches with both Scenarios 1 and 2, but LOS remains the same with or without the development traffic. The 95th percentile queues are projected to exceed the storage capacity of the left turn bays on the eastbound and northbound approaches. However, the increase in overall intersection traffic due to the development is projected to be less than 10%. Likewise, the development is not anticipated to increase traffic more than 7% for any one particular turn movement. Per UDO Section 13.19, no improvements are required to mitigate development traffic impact.

Please coordinate with the NCDOT District Engineer's Office concerning recommended improvements. Town staff will be available for meetings with NCDOT staff to discuss improvements on state maintained roadways as needed. All recommendations are subject to review by Town Council prior to approval.

Sincerely,

A handwritten signature in cursive script, appearing to read "Serge Grebenshikov".

Serge Grebenshikov
Traffic Engineer
919-372-7448



PLANNED UNIT DEVELOPMENT APPLICATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 21CZ29 Submittal Date: 12/1/21
Fee Paid: \$ 1,703.90 Check #: 058825

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: North Salem Station
Address(es): 0 Candun Dr., 0 Laura Duncan Rd., 0 N. Salem St.
PIN(s) 0753024120, 0753026029, 0753028181, 0753019925, 0753019769, 0753016795
0753015606, 0753013228, 0743908968 Acreage: 10.39 Acres
Current Zoning: PC (7 Parcels) & B1 (2 Parcels) Proposed Zoning: PUD - CZ
Current 2045 LUM Designation: High-Density Residential & Commercial; High-Density Residential & Office Employment
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use:	Acreage:	<u>N/A</u>
Area proposed as non-residential development:	Acreage:	<u>N/A</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>N/A</u>

Applicant Information

Name: Ana Wadsorth
Address: 120 N. Boylan Avenue
City: Raleigh State: NC Zip: 27603
Phone: 919-828-0531 E-mail: awadsworth@thewootencompany.com

Owner Information

Name: David J & Marilyn B Martin Irrevocable Trust
Address: 1201 Buck Jones Rd.
City: Raleigh State: NC Zip: 27606
Phone: 919-420-1568 E-mail: blake.thomas@avisonyoung.com

Agent Information

Name: Jeff Shifflett
Address: 230 Court Square, Suite 202
City: Charlottesville State: VA Zip: 22902
Phone: 434-531-6301 E-mail: jshifflett@castledp.com
Other contacts: Jess Achenbach - jachenbach@castledp.com

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 21CZ29

Submittal Date: 12/1/21

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest. Use additional pages as needed.

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

North Salem Station PUD-CZ is consistent with the High-Density Residential Overlays that were adopted into the 2045 LUM in February 2020 and the proposed design is compatible with the uses and character of the surrounding properties.

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

The proposed zoning district PUD-CZ is allowed within the High-Density Residential Use per the 2045 Town of Apex's Land Use Map. The development proposes a density of 23 units per acre. The proposed location of the development is compatible with the character of the surrounding land uses.

3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.

Supplemental standards pertaining to multi-family development, as well as, the future use of the non-residential parcels will be incorporated into the final design.

4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use’s minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

Design will adhere to Town of Apex design standards to minimize adverse impacts to surrounding land. Architectural guidelines and controls will ensure that an appropriate aesthetic is incorporated that is consistent with local architecture and maintains a high level of quality. The project will not create any significant or uncommon nuisances to the surrounding properties.

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use’s minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

Design will minimize environmental impacts by adhering to all Town of Apex site planning requirements and any necessary mitigation efforts. The project will incorporate a 20% RCA factor and include additional conditions beneficial to environmental impacts such as solar panels, pump station improvements (if necessary) and electric vehicle charging stations.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use’s avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

CZ use will not create any unique or uncommon impacts on public facilities. Any impacts to public facilities will be mitigated by public improvements at the Property or fees in lieu, as required by the Town of Apex.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use’s effect on the health, safety, or welfare of the residents of the Town or its ETJ.

CZ use will meet all applicable guidelines for health, safety or welfare of the residents of the Town of Apex.

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

CZ use is in compliance with the Town of Apex’s recommended use for the Property, as determined in the 2045 Land Use Map. Proposed residential and office/flex uses are consistent with adjacent properties. Increased building setbacks have been incorporated on property lines in close proximity to existing residences.

PETITION PROCESS INFORMATION

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

CZ use will not create or constitute a nuisance or hazard. A TIA will be included with this application to recommend any traffic impact mitigation improvements necessary as a result of the CZ use. The project will comply with traffic mitigation improvements, as required by the Town of Apex.

10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

CZ use will comply with all standards imposed on it by all other applicable provision of this Ordinance for use, layout and general development characteristics.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 21CZ29

Submittal Date: 12/1/21

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

To provide a consistent and clearly stated procedure for the naming of subdivisions and/or developments and entrance roadways (in conjunction with *Town of Apex Address Policy*) so as to allow developers to define and associate the theme or aesthetics of their project(s) while maintaining the Town's commitment to preserving the quality of life and safety for all residents of Apex proper and extraterritorial jurisdiction.

Guidelines

- ✓ The subdivision/development name shall not duplicate, resemble, or present confusion with an existing subdivision/development within Apex corporate limits or extraterritorial jurisdiction except for the extension of an existing subdivision/development of similar or same name that shares a continuous roadway.
- ✓ The subdivision/development name shall not resemble an existing street name within Apex corporate limits or extraterritorial jurisdiction unless the roadway is a part of the subdivision/development or provides access to the main entrance.
- ✓ The entrance roadway of a proposed subdivision/development shall contain the name of the subdivision/development where this name does not conflict with the Town of Apex *Road Name Approval Application* and *Town of Apex Address Policy* guidelines.
- ✓ The name "Apex" shall be excluded from any new subdivision/development name.
- ✓ Descriptive words that are commonly used by existing developments will be scrutinized more seriously in order to limit confusion and encourage distinctiveness. A list of commonly used descriptive words in Apex's jurisdiction is found below.
- ✓ The proposed subdivision/development name must be requested, reviewed and approved during preliminary review by the Town.
- ✓ A \$500.00 fee will be assessed to the developer if a subdivision/development name change is requested after official submittal of the project to the Town.*

*The imposed fee offsets the cost of administrative changes required to alleviate any confusion for the applicant, Planning staff, other Town departments, decision-making bodies, concerned utility companies and other interested parties. There is no charge for the initial name submittal.

Existing Development Titles, Recurring

	Residential	Non-Residential
10 or more	Creek, Farm(s), Village(s),	Center/Centre
6 to 9	Crossing(s), Park, Ridge, Wood(s)	Commons, Park
3 to 5	Acres, Estates, Glen(s), Green*, Hills	Crossing(s), Plaza, Station, Village(s)

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 21CZ29

Submittal Date: 12/1/21

Proposed Subdivision/Development Information

Description of location: Nine parcels at intersection of Laura Duncan, Candun Drive and North Salem Street

Nearest intersecting roads: Laura Duncan Road, Candun Drive and North Salem Street

Wake County PIN(s): 0753024120, 0753026029, 0753028181, 0753019925, 0753019769, 0753016795, 0753015

Township: Cary and White Oak

Contact Information (as appropriate)

Contact person: Jeff Shifflett

Phone number: 434-531-6301

Fax number: _____

Address: 230 Court Square, Suite 202, Charlottesville, VA 22902

E-mail address: jshifflett@castledp.com

Owner: DAVID J & MARILYN B MARTIN IRREVOCABLE TRUST

Phone number: 919-420-1568

Fax number: _____

Address: 1201 BUCK JONES RD., RALEIGH NC 27606-5635

E-mail address: blake.thomas@avisonyoung.com

Proposed Subdivision/Development Name

1st Choice: North Salem Station

2nd Choice (Optional): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff

Date

AGENT AUTHORIZATION FORM

Application #: 21CZ29

Submittal Date: 12/1/21

DAVID J & MARILYN B MARTIN IRREVOCABLE TRUS is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 0 Candun Drive

The agent for this project is: Jeff Shifflett

I am the owner of the property and will be acting as my own agent

Agent Name: Jeff Shifflett

Address: 230 Court Square, Suite 202, Charlottesville, VA 22902

Telephone Number: 434-531-6301

E-Mail Address: jshifflett@castledp.com

Signature(s) of Owner(s)*
DAVID J. AND MARILYN B. MARTIN IRREVOCABLE TRUST DATED THE 24TH DAY OF NOVEMBER, 2010
Donna Evenson, Trustee *Donna M. Evenson, Trustee* 11/29/2021
 Type or print name Date

 Type or print name Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ29

Submittal Date: 12/1/21

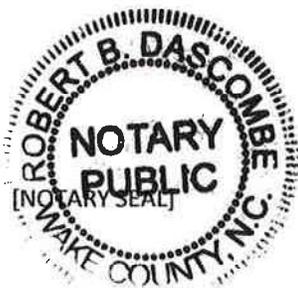
The undersigned, Donna Evenson (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Candun Drive, Apex, NC and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 12/30/2010, and recorded in the Wake County Register of Deeds Office on 12/30/2010, in Book 014220 Page 01310-01315 & 01346-01350.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 12/30/2010, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 12/31/2010, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 29 day of NOVEMBER, 2021
 David J. & Marilyn B. Martin Irrevocable Trust dated the 24th day of November, 2010. Donna M. Evenson (seal)
 Donna Evenson, Trustee
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that DONNA M. EVENSON, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's N/A, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Robert B. Dascombe
 Notary Public
 State of North Carolina
 My Commission Expires: 11-14-2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ29

Submittal Date: 12/1/21

Insert legal description below.

See Attached

This is a description of a survey for the Town of Apex, being that property recorded in Deed Book 18823 at Page 715 in the Wake County Registry of Deeds, being located in The Town of Apex, Wake County, North Carolina and being more particularly described as follows:

TRACT 1

Being a portion of the property of Old Apex Associates, LP, a deed which is recorded in Deed Book 18823 at Page 715 (Tract IV and a Portion of Tract I), being Lot 3 as shown on the plat entitled "Duncan Plaza, Phase 1" a plat which is recorded at Book of Maps 1989 at Page 1135; and Lot 4 as shown on the plat entitled "Subdivision Map of Lots 1-2, 4-10 Parkway Station", a plat which is recorded at Book of Maps 1992 at Page 344, all being recorded in the Wake County Registry of Deeds.

Beginning on an iron pipe found on the southern right-of-way of Candun Drive, a 60-foot wide right-of-way recorded at Book of Maps 1992 at Page 344, being a common corner with Lot 3 as shown on the plat entitled "Duncan Plaza, Phase 1" a plat which is recorded at Book of Maps 1989 at Page 1135; and with Lot 4 as shown on the plat entitled "Subdivision Map of Lots 1-2, 4-10 Parkway Station", a plat which is recorded at Book of Maps 1992 at Page 344, all being recorded in the Wake County Registry of Deeds; said Point of Beginning having the North Carolina State Plane (Grid) coordinates (NAD 83 – 2011) of North 731,826.82 feet and East 2,050,554.86 feet; thence from the Beginning Point and continuing with Lot 4 (BM 1992, Pg. 344) and the southern right-of-way of Candun Drive for two calls: North 68 degrees 50 minutes 19 seconds East 179.76 feet to an iron pipe set at a point of curve; and a curve to the right having a radius of 30.00 feet, an arc length of 47.48 feet and a chord of South 65 degrees 48 minutes 47 seconds East 42.68 feet to an iron pipe set at a point of tangency being located on the western right-of-way of Laura Duncan Road, a variable width right-of-way recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds; thence continuing with Lot 4 and the western right-of-way of Laura Duncan Road for four calls: South 20 degrees 27 minutes 55 seconds East 93.97 feet to an iron pipe set; South 13 degrees 20 minutes 35 seconds East 40.28 feet to an iron pipe set; South 20 degrees 27 minutes 55 seconds East 97.54 feet to an iron pipe set at a point of curve; and a curve to the right having a radius of 30.00 feet, an arc length of 47.13 feet and a chord of South 24 degrees 32 minutes 05 seconds West 42.43 feet to an iron pipe set at a point of tangency being located on the northern right-of-way of Old U.S. Highway 1 – North Salem Street, a 75-foot wide right-of-way recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds; thence continuing with Lot 4 and the northern right-of-way of Old U.S. Highway 1 – North Salem Street for two calls: South 69 degrees 29 minutes 11 seconds West 122.07 feet to an iron pipe set; and South 69 degrees 29 minutes 11 seconds West 14.44 feet to an iron pipe found, being a common corner with Lot 4 and the aforementioned Lot 3 (BM 1989, Pg. 1135); thence continuing with Lot 3 and the northern right-of-way Old U.S. Highway 1 – North Salem Street for four calls: South 69 degrees 28 minutes 22 seconds West 83.65 feet to an iron pipe set; South 69 degrees 25 minutes 17 seconds West 99.41 feet to an iron pipe set; South 69 degrees 41 minutes 21 seconds West 3.86 feet to an iron pipe set at a point of curve; and a curve to the right having a radius of 30.00 feet, an arc length of 47.13 feet and a chord of North 66 degrees 29 minutes 30 seconds West 42.43 feet to an iron pipe set at a point of tangency being located on the eastern right-of-way of Candun Drive, a 60-foot wide right-of-way recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds; thence continuing with Lot 3 and the eastern right-of-way of Candun Drive for three calls: North 21 degrees 29 minutes 10 seconds West 137.35 feet to an iron pipe set on a point of curve; a curve to the right having a radius of 120.00 feet, an arc length of 189.18 feet and a chord of North 23 degrees 40 minutes 36 seconds East 170.19 feet to an iron pipe set at a point of tangency; and North 68 degrees 50 minutes 19 seconds East 62.78 feet to the Point of Beginning, containing 2.50 Acres by coordinates.

TRACT 2

Being a portion of the property of Old Apex Associates, LP, a deed which is recorded in Deed Book 18823 at Page 715 (Portion of Tract I), being Lots 6 and 7 as shown on the plat entitled "Subdivision Map of Lots 1-2, 4-10 Parkway Station", a plat which is recorded at Book of Maps 1992 at Page 344, both being recorded in the Wake County Registry of Deeds.

Beginning on an iron pipe found on the northern right-of-way of Candun Drive, a 60-foot wide right-of-way recorded at Book of Maps 1992 at Page 344, being a common corner with Lot 6 as shown on the plat entitled "Subdivision Map of Lots 1-2, 4-10 Parkway Station", a plat which is recorded at Book of Maps 1992 at Page 344, a common corner with Phoenix Dawn, LLC, a deed which is recorded at Deed Book 18366 at Page 240, and a point in the center of an Existing 20-foot wide Drainage Easement recorded at Book of Maps 1992 at Page 344, all being recorded in the Wake County Registry of Deeds; said Point of Beginning having the North Carolina State Plane (Grid) coordinates (NAD 83 – 2011) of North 731,851.29 feet and East 2,050,455.27 feet; thence from the Beginning Point and continuing with Lot 6 (BM 1992, Pg. 344), Phoenix Dawn, LLC and the center of an Existing 20-foot wide Drainage Easement for two calls: North 36 degrees 47 minutes 51 seconds West 187.11 feet to an iron pipe found; and North 04 degrees 38 minutes 26 seconds East 209.39 feet to a computed point being located South 04 degrees 38 minutes 26 seconds West 0.55 feet from an iron pipe found, said computed point being located on the northern edge of an Existing 30-foot wide Sanitary Sewer and Access Easement recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds, thence leaving Phoenix Dawn, LLC and continuing with Lot 6 and the northern edge of an Existing 30-foot wide Sanitary Sewer and Access Easement for one call: South 89 degrees 01 minutes 06 seconds East 172.96 feet to an iron pipe found, being a common corner with Lot 6 and the aforementioned Lot 7 (BM 1992, Pg. 344); thence leaving Lot 6 and continuing with Lot 7 and the northern edge of an Existing 30-foot wide Sanitary Sewer and Access Easement for two calls: South 89 degrees 01 minutes 06 seconds East 243.51 feet to an iron pipe found; and South 89 degrees 01 minutes 06 seconds East 0.50 feet to an iron pipe found on the western right-of-way of Laura Duncan Road, a 60-foot wide right-of-way recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds; thence continuing with Lot 7 and the western right-of-way of Laura Duncan Road for two calls: a curve to the left having a radius of 358.53 feet, an arc length of 227.50 feet and a chord of South 11 degrees 44 minutes 07 seconds West 223.70 feet to an iron pipe set at a point of reverse curve; and a curve to the right having a radius of 30.00 feet, an arc length of 39.43 feet and a chord of South 30 degrees 39 minutes 21 seconds West 36.65 feet to an iron pipe set at a point of tangency being located on the northern right-of-way of Candun Drive, a 60-foot wide right-of-way recorded at Book of Maps 1992 at Page 344; thence continuing with Lot 7 and the northern right-of-way of Candun Drive for one call: South 68 degrees 51 minutes 52 seconds West 152.70 feet to an iron pipe found, being a common corner with Lot 7 and the aforementioned Lot 6 (BM 1992, Pg. 344); thence continuing with Lot 6 and the northern right-of-way of Candun Drive for two calls: South 68 degrees 51 minutes 52 seconds West 103.15 feet to an iron pipe found at a point of curve; and a curve to the left having a radius of 180.00 feet, an arc length of 20.82 feet and a chord of South 65 degrees 35 minutes 53 seconds West 20.81 feet to the Point of Beginning, containing 2.64 Acres by coordinates.

TRACT 3

Being a portion of the property of Old Apex Associates, LP, a deed which is recorded in Deed Book 18823 at Page 715 (Portion of Tract I), being Lots 8, 9 and 10 as shown on the plat entitled "Subdivision Map of Lots 1-2, 4-10 Parkway Station", a plat which is recorded at Book of Maps 1992 at Page 344, both being recorded in the Wake County Registry of Deeds.

Beginning on an iron pipe found at the northeast corner of Lot 10 of "Subdivision Map of Lots 1-2, 4-10 Parkway

21CZ29 North Salem Station PUD-CZ
Legal Description

Station", a plat which is recorded at Book of Maps 1992 at Page 344, being a common corner in the line with Christopher C. Bode and wife, Amy R. Bode, a deed which is recorded at Deed Book 12382 at Page 2551, a common corner with a Common Area recorded at Book of Maps 2014 at Page 1172, and a point in the eastern edge of an Existing 20-foot wide Drainage Easement recorded at Book of Maps 1992 at Page 344, all being recorded in the Wake County Registry of Deeds; said Point of Beginning having the North Carolina State Plane (Grid) coordinates (NAD 83 – 2011) of North 732,199.28 feet and East 2,050,983.47 feet; thence from the Beginning Point and continuing with Lot 10 (BM 1992, Pg. 344), Common Area and the eastern edge of an Existing 20-foot wide Drainage Easement: South 16 degrees 21 minutes 10 seconds East 170.12 feet, passing a common corner with the Common Area (BM 2014, Pg. 1172) and Laurel Crossing Townhomes Association, Inc, a deed which is recorded at Deed Book 16254 at Page 2741 in the Wake County Registry of Deeds to an iron pipe set, being a common corner with Lot 10 and the aforementioned Lot 9 (BM 1992, Pg. 344); thence continuing along the same bearing with Lot 9 (BM 1992, Pg. 344), Laurel Crossing Townhomes Association, Inc. and the eastern edge of an Existing 20-foot wide Drainage Easement 139.55 feet to an iron pipe set, being a common corner with Lot 9 and the aforementioned Lot 8 (BM 1992, Pg. 344); thence continuing along the same bearing (South 16 degrees 21 minutes 10 seconds East) with Lot 8 (BM 1992, Pg. 344), Laurel Crossing Townhomes Association, Inc. and the eastern edge of an Existing 20-foot wide Drainage Easement 171.08 feet, for a total distance along this bearing of 480.75 feet to an iron pipe found, being a common corner with Lot 8, Laurel Crossing Townhomes Association, Inc., and located on the northern right-of-way of Old U.S. Highway 1 – North Salem Street, a variable width right-of-way recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds, thence leaving Laurel Crossing Townhomes Association, Inc. and continuing with Lot 8 (BM 1992, Pg. 344), the eastern edge of an Existing 20-foot wide Drainage Easement and the right-of-way of Old U.S. Highway 1 – North Salem Street for one call: South 16 degrees 21 minutes 10 seconds East 8.77 feet to an iron pipe set; thence continuing with Lot 8 and the right-of-way of Old U.S. Highway 1 – North Salem Street for two calls: South 69 degrees 30 minutes 07 seconds West 191.61 feet to an iron pipe set a point of curve; and a curve to the right having a radius of 30.00 feet, an arc length of 47.13 feet and a chord of North 65 degrees 32 minutes 35 seconds West 42.43 feet to and iron pipe set at a point of tangency on the eastern right-of-way of Laura Duncan Road, a variable width right-of-way recorded at Book of Maps 1992 at Page 344 in the Wake County Registry of Deeds; thence continuing with Lot 8 and the eastern right-of-way of Laura Duncan Road for two calls: North 20 degrees 32 minutes 35 seconds West 97.49 feet to an iron pipe set; and North 27 degrees 40 minutes 05 seconds West 40.31 feet to an iron pipe found at the common corner of Lot 8 and the aforementioned Lot 9 (BM 1992, Pg 344); thence continuing with Lot 9 and the eastern right-of-way of Laura Duncan Road for two calls: North 20 degrees 32 minutes 05 seconds West 120.08 feet to an iron pipe set at a point of curve; and a curve to the right having a radius of 298.53 feet, an arc length of 62.75 feet and a chord of North 14 degrees 31 minutes 06 seconds West 62.63 feet to an iron pipe found at a point of curve, being the common corner of Lot 9 and the aforementioned Lot 10 (BM 1992, Pg 344); thence continuing with Lot 10 and the eastern right-of-way of Laura Duncan Road for two calls: a curve to the right having a radius of 298.53 feet, an arc length of 214.94 feet and a chord of North 12 degrees 12 minutes 04 seconds East 210.33 feet to an iron pipe set at a point tangency; and North 32 degrees 39 minutes 25 seconds East 18.87 feet to and iron pipe found, being a common corner with Lot 10, with Rohini Rasakulasuriar, a deed which is recorded at Deed Book 14989 at Page 621, and a point in the northern edge of an Existing 20-foot wide Drainage Easement recorded at Book of Maps 1992 at Page 344, all being recorded in the Wake County Registry of Deeds; thence leaving Laura Duncan Road and continuing with Lot 10 (BM 1992, Pg. 344), Rohini Rasakulasuriar and the northern edge of an Existing 20-foot wide Drainage Easement: South 89 degrees 02 minutes 00 seconds East, passing a common corner with the aforementioned Christopher C. Bode and wife, Amy R. Bode property 136.41 feet to the Point of Beginning, containing 2.71 Acres by coordinates.

TRACT 4

Being a portion of the property of Old Apex Associates, LP, a deed which is recorded in Deed Book 18823 at Page 715 (Tracts Two and Three), being Lots 2 and 3 as shown on the plat entitled "Survey for David J. Martin – Irrevocable Trust, White Oak Township, Wake County N.C." a plat which is recorded at Book of Maps 1992 at Page 1399, both being recorded in the Wake County Registry of Deeds.

Beginning on a railroad spike pipe found on the southern right-of-way of Old U.S. Highway 1 – North Salem Street, a variable width right-of-way recorded at Book of Maps 1992 at Pages 344 and 1399, being in the eastern line of Lot 2 as shown on the plat entitled "Survey for David J. Martin – Irrevocable Trust, White Oak Township, Wake County N.C." a plat which is recorded at Book of Maps 1992 at Page 1399, and a common corner with NC Department of Transportation, a deed which is recorded at Deed Book 1083 at Page 376, all being recorded in the Wake County Registry of Deeds; said Point of Beginning having the North Carolina State Plane (Grid) coordinates (NAD 83 – 2011) of North 731,433.61 feet and East 2,050,545.23 feet; thence from the Beginning Point, leaving the right-of way of Old U.S. Highway 1 – North Salem Street, and continuing with Lot 2 (BM 1992, Pg. 1399) and NC Department of Transportation: South 20 degrees 11 minutes 19 seconds East 66.63 feet to an iron pipe found, being a common corner with Lot 2, NC Department of Transportation and a point on the northern right-of-way of the CSX Railroad, a 100-foot wide right-of-way recorded at Book of Maps 1992 at Page 1399; thence continuing along the same bearing and with Lot 2: 50.50 feet, for a total distance along this bearing of 117.13 feet to a point in the centerline of existing railroad tracks and the 100-foot wide right-of-way; thence continuing with the centerline of the railroad tracks, the 100-foot wide right-of-way and with Lot 2 (BM 1992, Pg. 1399) for seven calls: South 61 degrees 27 minutes 07 seconds West 7.32 feet; South 59 degrees 39 minutes 21 seconds West 99.73 feet; South 58 degrees 33 minutes 33 seconds West 100.99 feet; South 57 degrees 32 minutes 10 seconds West 99.93 feet; South 56 degrees 35 minutes 06 seconds West 98.89 feet to a nail found; South 55 degrees 14 minutes 39 seconds West 61.98 feet; and South 56 degrees 22 minutes 01 seconds West 36.36 feet to a common corner with Lot 2 and the aforementioned Lot 3; thence continuing with Lot 3: South 53 degrees 05 minutes 58 seconds West 433.82 feet to a point in the centerline of existing railroad tracks and the 100-foot wide right-of-way (BM 1992, Pg. 1399); thence leaving the railroad tracks and continuing with Lot 3 (BM 1992, Pg. 1399) North 40 degrees 11 minutes 58 seconds West 49.83 feet to an iron pipe found on the northern right-of-way of the CSX Railroad, a 100-foot wide right-of-way recorded at Book of Maps 1992 at Page 1399, being a common corner with Apex Business Condominium (Common Elements), a deed which is recorded at Deed Book 8973 at Page 442, both being recorded in the Wake County Registry of Deeds ; thence continuing along the same bearing and with Apex Business Condominium and Lot 3: 132.33 feet to an iron pipe set on the southern right-of-way of Old U.S. Highway 1 – North Salem Street, a variable width right-of-way recorded at Book of Maps 1992 at Pages 344 and 1399 in the Wake County Registry of Deeds; thence leaving Apex Business Condominium and the northern right-of-way of Old U.S. Highway 1 – North Salem Street and continuing along the same bearing (North 40 degrees 11 minutes 58 seconds West) with Lot 3: 31.88 feet, for a total distance along this bearing of 214.04 feet to a point within the right-of-way of Old U.S. Highway 1 – North Salem Street; thence continuing with Lot 3: North 55 degrees 34 minutes 06 seconds East 586.26 feet to a point within the right-of-way of Old U.S. Highway 1 – North Salem Street, being common corner with Lot 3 and the aforementioned Lot 2 (BM 1992, Pg. 1399); thence continuing with Lot 2 for six calls within the right-of-way of Old U.S. Highway 1 – North Salem Street: North 62 degrees 12 minutes 17 seconds East 105.71 feet; North 64 degrees 04 minutes 58 seconds East 99.89 feet; North 66 degrees 10 minutes 17 seconds East 100.73 feet; North 67 degrees 55 minutes 16 seconds East 48.46 feet; North 69 degrees 00 minutes 33 seconds East 61.10 feet; and South 20 degrees 11 minutes 19 seconds East 30.01 feet to the Point of Beginning, containing 4.23 Acres by coordinates.

Tract 4 is subject to the right-of-way of Old U.S. Highway 1 – North Salem Street, a variable width right-of-way

21CZ29 North Salem Station PUD-CZ
Legal Description

recorded at Book of Maps 1992 at Pages 344 and 1399, containing 0.57 acre; and subject to the CSX Railroad, a 100-foot wide right-of-way recorded at Book of Maps 1992 at Page 1399, containing 1.10 acres; resulting in a net area for Tract for of 2.56 acres.

These descriptions are taken from a survey entitled "Plat of ALTA/NSPS Land Title Survey Prepared For CDG Holdings, LLC – A Virginia Limited Liability Company" performed by Seth E. Healy, PLS on the 27th day of August 2021.

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 21CZ29 Submittal Date: 12/1/21

**Town of Apex
73 Hunter Street
P.O. Box 250 Apex, NC 27502
919-249-3400**

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

North Salem Station

Nine parcels at intersection of Laura Duncan, Candun Drive and North Sale

(the "Premises")

The Town of Apex offers to provide you with electric utilities on the terms described in this Offer & Agreement. If you accept the Town's offer, please fill in the blanks on this form and sign and we will have an Agreement once signed by the Town.

Old Apex Associates LP, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

The sale, delivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance with, all the terms and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the Town.

Customer understands that the Town, based upon this Agreement, will take action and expend funds to provide the requested service. By signing this Agreement the undersigned signifies that he or she has the authority to select the electric service provider, for both permanent and temporary power, for the Premises identified above.

Any additional terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this Agreement constitutes the entire agreement of the parties.

Acceptance of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.

Please note that under North Carolina General Statute §160A-332, you may be entitled to choose another electric supplier for the Premises.

Upon acceptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric service to the Premises and looks forward to working with you and the owner(s).

ACCEPTED:

CUSTOMER: Old Apex Associates LP

TOWN OF APEX

BY: 
Authorized Agent

BY: _____
Authorized Agent

DATE: 12/1/21

DATE: _____

Wake County Residential Development Notification

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to:
studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	Old Apex Associates, LP
Company Phone Number	434-531-6301
Developer Representative Name	Jeff Shifflett
Developer Representative Phone Number	434-531-6301
Developer Representative Email	jshifflett@castledp.com

New Residential Subdivision Information	
Date of Application for Subdivision	12/1/21
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	North Salem Station
Address of Subdivision (if unknown enter nearest cross streets)	Candun Drive and Laura Duncan Road, Apex, NC 27523
REID(s)	0192936, 0192937, 0192940, 0192939, 0192938, 0192934, 0179933, 0062452, 0025354
PIN(s)	0753024120, 0753026029, 0753028181, 0753019925, 0753019769, 0753016795, 0753015606, 0753013228, 0743908968

Projected Dates Information	
Subdivision Completion Date	7/1/2025
Subdivision Projected First Occupancy Date	1/1/2025

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes																	
Condos																	
Apartments	240			105	111	24		650	1450	1250	2000	2025	240				
Other																	

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

10/07/2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at

(See Attached)

(See Attached)

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

An Electronic Neighborhood Meeting is required because this project includes (check all that apply):

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/>	Special Use Permit	Town Council (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

[Rezoning of nine \(9\) parcels currently PC \(Planned Commercial\) and B1 \(Neighborhood Business District\) to PUD-CZ \(Planned Unit Development - Conditional Zoning District\) for the development of a multi-family housing community with amenity area.](#)

Estimated submittal date: November 1, 2021

MEETING INFORMATION:

Property Owner(s) name(s): Jess Achenbach

Applicant(s): Castle Development Partners

Contact information (email/phone): jachenbach@castledp.com/434-260-6628

Electronic Meeting invitation/call in info: Video Link: <https://bit.ly/3DA5SYb>
Audio Only: +1 984-275-4893, Phone Conference ID: 128 973 522#

Date of meeting**: October 26, 2021, Tuesday

Time of meeting**: 5:00 p.m. - 7:00 p.m.

MEETING AGENDA TIMES:

Welcome: 5:00 - 5:15 pm Project Presentation: 5:15 - 6:15 pm Question & Answer: 6:15 - 7:00 pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning>.

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:

Project Name: North Salem Station Development Zoning: PC and B1 (Current)
 Location: Multiple Parcels- Intersection of Laura Duncan Road and N. Salem Street (See attached)
 Property PIN(s): See Attached Acreage/Square Feet: 10.39 acres +/- 452,588 sf

Property Owner: Castle Development Partners
 Address: 230 Court Square, Suite 202
 City: Charlottesville State: VA Zip: 22902
 Phone: 434-260-6628 Email: jachenbach@castledp.com

Developer: Castle Development Partners
 Address: 230 Court Square, Suite 202
 City: Charlottesville State: VA Zip: 22902
 Phone: 434-260-6628 Fax: _____ Email: jachenbach@castledp.com

Engineer: The Wooten Company
 Address: 120 North Boylan Avenue
 City: Raleigh State: NC Zip: 27603
 Phone: 919-828-0531 Fax: 919-834-3589 Email: awadsworth@thewootencompany.com

Builder (if known): N/A
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

This document is a public record under the North Carolina Public Records Act and may be published on the Town’s website or disclosed to third parties.

Noise & Hours of Construction:	Non-Emergency Police	919-362-8661
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Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see “Dirt in the Road” below).

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations:	Non-Emergency Police	919-362-8661
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Unless a neighbor gives permission, there should be no construction parking in neighbors’ driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

Dirt on Properties or in Streams:	James Misciagno Danny Smith	919-372-7470 Danny.Smith@ncdenr.gov
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Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust:	James Misciagno	919-372-7470
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During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash:	James Misciagno	919-372-7470
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Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins:	James Misciagno	919-372-7470
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Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures:	Jessica Bolin	919-249-3537
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

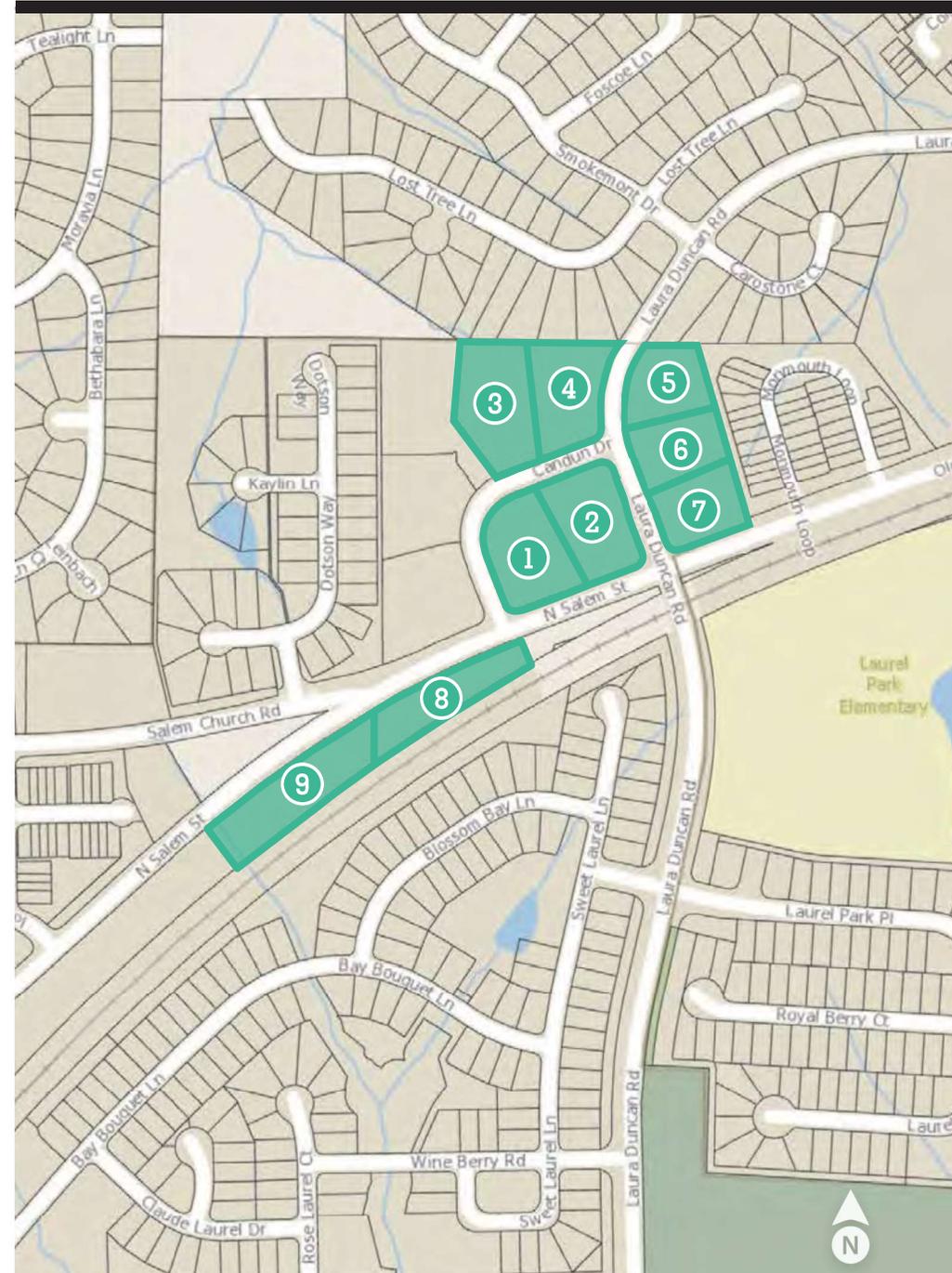
Electric Utility Installation:	Rodney Smith	919-249-3342
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Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

Parcel information

	Parcel ID	Land Area	Zoning
1	0753-01-5606 Address: 0 Candun Drive	±1.25 ac	PC
2	0753-01-6795 Address: 0 Candun Drive	±1.25 ac	PC
3	0753-02-4120 Address: 0 Candun Drive	±1.43 ac	PC
4	0753-02-6029 Address: 0 Candun Drive	±1.21 ac	PC
5	0753-02-8181 Address: 0 Laura Duncan Road	±0.90 ac	PC
6	0753-01-9925 Address: 0 Laura Duncan Road	±0.90 ac	PC
7	0753-01-9769 Address: 0 North Salem Street	±0.91 ac	PC
8	0753-01-3228 Address: 0 North Salem Street	±1.00 ac	B1
9	0743-90-8968 Address: 0 North Salem Street	±1.54 ac	B1

<p>county</p> <hr/> <p>Wake</p>	<p>jurisdiction</p> <hr/> <p>Apex</p>	<p>total land area</p> <hr/> <p>± 10.39 ac</p>
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**Owners Tenants within 300' of Property
Provided by Town of Apex**

SITE_ADDR	PIN_NUM	OWNER	ADDR1	ADDR2	ADDR3
219 LOST TREE LN	0753023349	ADOLFIE, ELIZABETH	219 LOST TREE LN	CARY NC 27513-5713	
505 SWEET LAUREL LN	0753018341	ALEXE, CATALIN ALEXE, GEORGIANA	505 SWEET LAUREL LN	APEX NC 27523-9303	
802 NEW DERBY LN	0743914024	ALLEN, DONALD WAYNE JR ALLEN, AMELIA ANN	802 NEW DERBY LN	APEX NC 27523-6409	
1038 MONMOUTH LOOP	0753121113	AMBROSECCHIA, DUSTIN AMBROSECCHIA, VANESA	1038 MONMOUTH LOOP	CARY NC 27513-4864	
104 CAROSTONE CT	0753120285	AMH 2014-3 BORROWER LLC	AMERICAN HOMES 4 RENT	30601 AGOURA RD STE 200	AGOURA HILLS CA 91301-2148
2166 N SALEM ST	0743903511	APEX BUSINESS CONDOMINIUM	YORK PROPERTIES INC	2108 CLARK AVE	RALEIGH NC 27605-1606
820 DOTSON WAY	0743917373	ARAVA, SRINIVAS ARAVA, NAGA VARALAKSHMI	820 DOTSON WAY	APEX NC 27523-7535	
1053 MONMOUTH LOOP	0753122041	BIAN, ZHENGKAI WU, DAN	1053 MONMOUTH LOOP	CARY NC 27513-4873	
1051 MONMOUTH LOOP	0753122033	BILLAKOTA, SRINIVAS BILLA, BABAMANIKYAM	171 WILDFELL TRL	CARY NC 27513-5503	
1064 MONMOUTH LOOP	0753111862	BILLAKOTA, SRINIVAS BILLA, BABAMANIKYAM	400 RAPPORT DR	CARY NC 27519-5586	
102 CAROSTONE CT	0753120215	BODE, CHRISTOPHER C BODE, AMY R	102 CAROSTONE CT	CARY NC 27513-5717	
1042 MONMOUTH LOOP	0753120088	BOWDEN, GEORGE KEVIN TRUSTEE BOWDEN, JOANNE DALY TRUSTEE	1042 MONMOUTH LOOP	CARY NC 27513-4864	
1011 MONMOUTH LOOP	0753113947	BREZNIK, DIANE BUCKLER	1011 MONMOUTH LOOP	CARY NC 27513-4873	
728 BLOSSOM BAY LN	0753003928	BRIDGERS, BRIAN BRIDGERS, SARAH	728 BLOSSOM BAY LN	APEX NC 27523-6801	
1061 MONMOUTH LOOP	0753112961	BROWN, BEVERLY M	1061 MONMOUTH LOOP	CARY NC 27513-4873	
720 BLOSSOM BAY LN	0753014015	CCMA INVESTMENTS LLC	106 SIR WALKER LN	CARY NC 27519-5500	
1008 DOTSON WAY	0753010466	CHAO, MENG-JUI CHEN, LAN-JU	1008 DOTSON WAY	APEX NC 27523-7519	
820 BAY BOUQUET LN	0743907534	CHAUDHARI, ABHIJEET N MAHAJAN, DEEPALI	820 BAY BOUQUET LN	APEX NC 27523-9316	
803 NEW DERBY LN	0743904819	CHHAYA, RAHUL HARSHAD TRUSTEE CHHAYA, MINAL RAHUL TRUSTEE	113 DUMBLEDORE CT	CARY NC 27519-7524	
227 LOST TREE LN	0753021500	COETZER, CHRIS T MARTEL, EMILIE	227 LOST TREE LN	CARY NC 27513-5713	
1120 DOTSON WAY	0753020176	COLE, EMMANUEL B COLE, WINSTONA D	1120 DOTSON WAY	APEX NC 27523-7525	
1048 MONMOUTH LOOP	0753121001	CONTE, DIANE	1048 MONMOUTH LOOP	CARY NC 27513-4864	
1100 DOTSON WAY	0753010888	COOKE, CHERYL B COOKE, QUINTON E	1100 DOTSON WAY	APEX NC 27523-7525	
0 CANDUN DR	0753026029	DAVID J & MARILYN B MARTIN IRREVOCABLE TRUST	1201 BUCK JONES RD	RALEIGH NC 27606-5635	
201 LOST TREE LN	0753028456	DIETZ, JAMES J DIETZ, AMY L	201 LOST TREE LN	CARY NC 27513-5713	
1015 MONMOUTH LOOP	0753123031	DONDAPATI, SURESH DONDAPATI, INDIRA	1015 MONMOUTH LOOP	CARY NC 27513-4873	
0 SWEET LAUREL LN	0753018240	ELLINGTON PLACE APEX HOA, INC	C/O ELITE MANAGEMENT PROF	4112 BLUE RIDGE RD STE 100	RALEIGH NC 27612-4652
0 BAY BOUQUET LN	0743906502	ELLINGTON PLACE APEX HOA, INC	4112 BLUE RIDGE RD STE 100	RALEIGH NC 27612-4652	
756 BLOSSOM BAY LN	0753000753	ENGLISH, SCOTT	756 BLOSSOM BAY LN	APEX NC 27523-6801	
215 LOST TREE LN	0753024338	FANNEY, BRIAN HUNTER FANNEY, ALLISON	215 LOST TREE LN	CARY NC 27513-5713	
105 CAROSTONE CT	0753122441	FELICIANO, ISAAC GOMEZ RIVERA, JAYLENE RIOS	105 CAROSTONE CT	CARY NC 27513-5718	
764 BLOSSOM BAY LN	0753000622	FISCHER, KENNETH ALAN FISCHER, JEANNE MARIE	764 BLOSSOM BAY LN	APEX NC 27523-6801	
1050 MONMOUTH LOOP	0753111919	FULLER, NICHEY B	1050 MONMOUTH LOOP	CARY NC 27513-4864	
1052 MONMOUTH LOOP	0753111926	GARCIA, ALFREDO GARCIA, MYRIAM SUSANA	1052 MONMOUTH LOOP	CARY NC 27513-4864	
1116 DOTSON WAY	0753020180	GILLREATH, MICHAEL WAYNE	1116 DOTSON WAY	APEX NC 27523-7525	
223 LOST TREE LN	0753022317	GORDON, JAY K GORDON, CYNTHIA G	223 LOST TREE LN	CARY NC 27513-5713	
1104 DOTSON WAY	0753010983	GROVES, SABA GROVES, ISAAC	1104 DOTSON WAY	APEX NC 27523-7525	
1012 DOTSON WAY	0753010583	GRUMET, SURAH AL-MUSSAWIR, HAYF	1012 DOTSON WAY	APEX NC 27523-7519	
0 LAURA DUNCAN RD	0753016421	HALEY FAMILY HSH REALTY LLC	1812 TRINITY RD	RALEIGH NC 27607-4922	
221 LOST TREE LN	0753022397	HEERING, JOHN R HEERING, CAROLYN D	221 LOST TREE LN	CARY NC 27513-5713	
808 BAY BOUQUET LN	0743908682	HOULIHAN, BRANDON FRANCIS HOULIHAN, JESSICA YURI	808 BAY BOUQUET LN	APEX NC 27523-9316	
760 BLOSSOM BAY LN	0753000638	HUNTER, DAMON KEITH HUNTER, SARAH BETH	760 BLOSSOM BAY LN	APEX NC 27523-6801	
106 CAROSTONE CT	0753121254	INGALLS, GREGORY EMERY, JEANETTE	106 CAROSTONE CT	CARY NC 27513-5717	
1058 MONMOUTH LOOP	0753111849	JEFFORDS, TYLER MAX	1058 MONMOUTH LOOP	CARY NC 27513-4864	
740 BLOSSOM BAY LN	0753001990	JENKINS, LESLIE JAYNEA	740 BLOSSOM BAY LN	APEX NC 27523-6801	
724 BLOSSOM BAY LN	0753013061	KABIR, MD ASHFANOOR MAHMUD, MARZANA MANTASHA	724 BLOSSOM BAY LN	APEX NC 27523-6801	
748 BLOSSOM BAY LN	0753001813	KEMPFFER, HEATHER ANNE KEMPFFER, CHRISTOPHER A	748 BLOSSOM BAY LN	APEX NC 27523-6801	
1605 SALEM CHURCH RD	0743913289	KING, TOMMY KING, NANCY	1605 SALEM CHURCH RD	APEX NC 27523-7566	
1005 MONMOUTH LOOP	0753113879	KIRKPATRICK, BRIAN	1005 MONMOUTH LOOP	CARY NC 27513-4873	
1065 MONMOUTH LOOP	0753112886	KITTRELL, JACQUES ANTHONY KITTRELL, CHARITY SUZETTE	1065 MONMOUTH LOOP	CARY NC 27513-4873	
1000 DOTSON WAY	0743919377	KRISHNAMURTHY, RAMESH RAMESH, SUMATHI	1000 DOTSON WAY	APEX NC 27523-7519	
1016 DOTSON WAY	0753010589	KRISHNAMURTHY, USHA MAHALINGAM, KRISHNAMURTHY	1016 DOTSON WAY	APEX NC 27523-7519	
0 OLD APEX RD	0753116723	LAUREL CROSSING TOWNHOMES ASSOCIATION, INC.	1210 TRINITY RD STE 102	CARY NC 27513-6245	
1027 MONMOUTH LOOP	0753122140	LAUREL CROSSING TOWNHOMES ASSOCIATION, INC.	C/O COMMUNITY ASSOCIATION MANAGEMEN	PO BOX 79032	CHARLOTTE NC 28271-0030
1062 MONMOUTH LOOP	0753111854	LEBETA, KALKIDAN HUNDE HAILEMARIAM, RAHEL ESHETU	1062 MONMOUTH LOOP	CARY NC 27513-4864	
0 SALEM CHURCH RD	0743917152	LEWTER, JOSEPHINE S	1513 TYONEK DR	DURHAM NC 27703-5639	
1021 MONMOUTH LOOP	0753123009	LIU, YAQIN TU, YA PING	306 ALLIANCE CIR	CARY NC 27519-5527	
810 DOTSON WAY	0743917311	LOVELL, CLINTON POWERS JR LOVELL, SANDRA SINISI	810 DOTSON WAY	APEX NC 27523-7535	
1057 MONMOUTH LOOP	0753112964	LUDWICZAK, JAMES A LUDWICZAK, KATHLEEN S	1057 MONMOUTH LOOP	CARY NC 27513-4873	
1112 DOTSON WAY	0753020085	MAMO, DANIEL MAMO, KERRI T	1112 DOTSON WAY	APEX NC 27523-7525	
712 BLOSSOM BAY LN	0753015028	MAYHEW, JONATHAN SCOTT MAYHEW, ROMINA ISABEL	712 BLOSSOM BAY LN	APEX NC 27523-6801	
209 LOST TREE LN	0753026229	MCCLUSKY, DOUGLAS RANDALL PERMANA, SOFIE HARUN	209 LOST TREE LN	CARY NC 27513-5713	
518 SWEET LAUREL LN	0753016173	MCKAY, MICHAEL REYNALDO BROOKS-MCKAY, EMMA	518 SWEET LAUREL LN	APEX NC 27523-9302	
1049 MONMOUTH LOOP	0753122026	MEHTA, NISHANT JASWANTBHAI MEHTA, MANALI NISHANT	1049 MONMOUTH LOOP	CARY NC 27513-4873	
816 BAY BOUQUET LN	0743907588	MILLER, DEAN MILLER, JENNIFER	816 BAY BOUQUET LN	APEX NC 27523-9316	
1028 DOTSON WAY	0753010786	MINSTER, KEITH E MINSTER, JOY B	1028 DOTSON WAY	APEX NC 27523-7519	
217 LOST TREE LN	0753023477	MOXLEY, WESLEY MOXLEY, ROZALINA	217 LOST TREE LN	CARY NC 27513-5713	
801 NEW DERBY LN	0743904849	MUDHAS, ANTONY AROGYA VIJAY SAGAR	801 NEW DERBY LN	APEX NC 27523-6409	
211 LOST TREE LN	0753025330	MUELLER, HORST TRUSTEE MUELLER-PHILIPPIDOU, EFFROSINI TRUSTEE	310 DAVIE LN	CHAPEL HILL NC 27514-5960	
110 CAROSTONE CT	0753123215	MULLER, RAFAEL J SANTIAGO, ANA C	110 CAROSTONE CT	CARY NC 27513-5717	
513 SWEET LAUREL LN	0753018148	NASH, ADAM HUNT NASH, CHRISTINA WALDO	513 SWEET LAUREL LN	APEX NC 27523-9303	

**Owners Tenants within 300' of Property
Provided by Town of Apex**

SITE_ADDRE	PIN_NUM	OWNER	ADDR1	ADDR2	ADDR3
213 LOST TREE LN	0753024384	NAUPAS, EVA LUZ TINEO	213 LOST TREE LN	CARY NC 27513-5713	
0 N SALEM ST	0753016444	NC DEPT OF TRANSPORTATION	1 S WILMINGTON ST	RALEIGH NC 27601-1429	
804 NEW DERBY LN	0743914004	NEUPANE, JHABINDRA NEUPANE, YAMUNA PANGENI	804 NEW DERBY LN	APEX NC 27523-6409	
732 BLOSSOM BAY LN	0753002976	PAI, HSIU CHU	11325 LEGACY TER	SAN DIEGO CA 92131-3552	
0 LAURA DUNCAN RD	0743928434	PARKWAY COMMUNITY ASSOCIATION INC	OMEGA ASSOCIATION MANAGEMENT INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676
105 SMOKE MONT DR	0753027534	PATEL, PIYUSH C PATEL, SULBHA P	2308 HANIMAN PARK DR	CARY NC 27513-8324	
1055 MONMOUTH LOOP	0753112958	PATEL, PRAGNESH PATEL, KRISHNA	1055 MONMOUTH LOOP	CARY NC 27513-4873	
812 BAY BOUQUET LN	0743908630	PATEL, RONAK DOLATBHAI PATEL, SUSHMABEN BHARATBHAI	812 BAY BOUQUET LN	APEX NC 27523-9316	
205 LOST TREE LN	0753027363	PAULOVITS, MIKLOS PAULOVITS, MARTA	205 LOST TREE LN	CARY NC 27513-5713	
207 LOST TREE LN	0753026299	PERMANA, SOFIE HARUN	209 LOST TREE LN	CARY NC 27513-5713	
824 BAY BOUQUET LN	0743906590	PETERSON, ERIC M MATHEW, SONI P	824 BAY BOUQUET LN	APEX NC 27523-9316	
2209 CANDUN DR	0753022017	PHOENIX DAWN LLC	2209 CANDUN DR	APEX NC 27523-6404	
514 SWEET LAUREL LN	0753016189	PROKIC, DJORDJE PROKIC, MILJA	514 SWEET LAUREL LN	APEX NC 27523-9302	
1017 MONMOUTH LOOP	0753123024	PULLURU, SANDEEP BAKKI, SHRUTHI	1017 MONMOUTH LOOP	CARY NC 27513-4873	
100 CAROSTONE CT	0753029361	RASAKULASURIAR, ROHINI	1927 MOSTYN LN	APEX NC 27502-6509	
108 CAROSTONE CT	0753122224	REDFORD, NATHAN PROBUS, AMANDA	108 CAROSTONE CT	CARY NC 27513-5717	
225 LOST TREE LN	0753021453	REED, RICHARD B REED, BRIARLY	225 LOST TREE LN	CARY NC 27513-5713	
1024 DOTSON WAY	0753010781	REICHERT, EWA REICHERT, ARTUR	1024 DOTSON WAY	APEX NC 27523-7519	
830 DOTSON WAY	0743918334	RICHARDSON, DONNOVAN KEITH RICHARDSON, CIJI	830 DOTSON WAY	APEX NC 27523-7535	
1032 DOTSON WAY	0753010882	ROBERTSON, GEORGE EDWARD JR ROBERTSON, AGNES HEMMERICH	1032 DOTSON WAY	APEX NC 27523-7519	
509 SWEET LAUREL LN	0753018253	ROBINSON, STEVEN D	509 SWEET LAUREL LN	APEX NC 27523-9303	
204 LOST TREE LN	0753025581	ROCHE, CHRISTOPHER J ROCHE, TIFFANY N	204 LOST TREE LN	CARY NC 27513-5712	
2205 CANDUN DR	0753012727	S & K PARTNERSHIP LLC	1000 DARRINGTON DR STE 105	CARY NC 27513-8134	
203 LOST TREE LN	0753028400	SAAVEDRA, CLAUDIA PATRICIA SMITH, ROBERT SPRUILL	203 LOST TREE LN	CARY NC 27513-5713	
522 SWEET LAUREL LN	0753016068	SALAMONE, JOHN SALAMONE, ABBIE S	522 SWEET LAUREL LN	APEX NC 27523-9302	
804 SALEM POINTE PL	0743903728	SALEM POINTE OWNERS ASSOCIATION INC	REALMANAGE	PO BOX 803555	DALLAS TX 75380-3555
0 NEW DERBY LN	0743819029	SALEM POINTE OWNERS ASSOCIATION INC	8480 HONEYCUTT RD STE 200	RALEIGH NC 27615-2261	
1007 MONMOUTH LOOP	0753113962	SCOTT, CHRISTOPHER	1007 MONMOUTH LOOP	CARY NC 27513-4873	
101 CAROSTONE CT	0753120477	SHI, RUI YANG, CHENMIN	101 CAROSTONE CT	CARY NC 27513-5718	
1004 DOTSON WAY	0753010421	SHIPWASH, ROBERT W SHIPWASH, TERRY F	1004 DOTSON WAY	APEX NC 27523-7519	
1019 MONMOUTH LOOP	0753123026	SHIVALINGAPPA, MAHESH GOWDA, ASHWINI VENKATESHA	1019 MONMOUTH LOOP	CARY NC 27513-4873	
800 DOTSON WAY	0743916332	SHUKLA, SAURABH LAAD, ANAMIKA	800 DOTSON WAY	APEX NC 27523-7535	
1009 MONMOUTH LOOP	0753113955	SKARKA, KRAIG E	1009 MONMOUTH LOOP	CARY NC 27513-4873	
736 BLOSSOM BAY LN	0753002933	SNARE, MICHAEL ALAN JR SNARE, JODI WRIGHT	736 BLOSSOM BAY LN	APEX NC 27523-6801	
206 LOST TREE LN	0753025524	SWIFT, PERCY	206 LOST TREE LN	CARY NC 27513-5712	
103 CAROSTONE CT	0753121453	TEW, COLEMAN A TEW, MARISSA A	103 CAROSTONE CT	CARY NC 27513-5718	
900 DOTSON WAY	0743919920	THE TRACE COMMUNITY ASSOCIATION, INC.	812 SALEM WOODS DR	RALEIGH NC 27615-3346	
805 NEW DERBY LN	0743903899	THIRUNAVUKKARASU, SENTHILNATHAN MURUGANANTHAM, SEETHA	805 NEW DERBY LN	APEX NC 27523-6409	
202 LOST TREE LN	0753026448	THOMPSON, JAMES RAY JR WILLIAMSON, STEPHANIE ANNE	107 ABBOTS GLEN CT	CARY NC 27511-5059	
1046 MONMOUTH LOOP	0753120094	TIRGRATH, MATTHEW R	1046 MONMOUTH LOOP	CARY NC 27513-4864	
0 SALEM CHURCH RD	0743917296	TRACE II HOMEOWNERS ASSOCIATION INC	1210 TRINITY RD STE 102	CARY NC 27513-6245	
1040 MONMOUTH LOOP	0753120191	TUCKER, MICHAEL J DEVITA-TUCKER, CYNTHIA L	1040 MONMOUTH LOOP	CARY NC 27513-4864	
1060 MONMOUTH LOOP	0753111847	VALLURY, APARNA	1060 MONMOUTH LOOP	CARY NC 27513-4864	
1108 DOTSON WAY	0753010989	VALLURY, APARNA KOCHUPARAMBIL, BEJOY J	1108 DOTSON WAY	APEX NC 27523-7525	
708 BLOSSOM BAY LN	0753015088	VENUGOPAL, MAGESH K KONDASWAMY NARAYANASWAMY, MANJU	708 BLOSSOM BAY LN	APEX NC 27523-6801	
1056 MONMOUTH LOOP	0753111932	VISAKOWITZ, SCOTT LINDSTADT, ROBYN	1056 MONMOUTH LOOP	CARY NC 27513-4864	
2450 LAURA DUNCAN RD	0753115217	WAKE CNTY BOARD OF EDUCATION	RE SERVICES DIRECTOR	1551 ROCK QUARRY RD	RALEIGH NC 27610-4145
1063 MONMOUTH LOOP	0753112879	WAN, CHUYANG	1063 MONMOUTH LOOP	CARY NC 27513-4873	
526 SWEET LAUREL LN	0753016053	WANG, JENG JIE WANG, SHU LI	1033 HOLTRIDGE DR	APEX NC 27523-3708	
1608 SALEM CHURCH RD	0743915064	WEAVER, TREVA WILLARD	1608 SALEM CHURCH RD	APEX NC 27523-7565	
1020 DOTSON WAY	0753010685	WOODS, ROBERT L WOODS, TERRI L	1020 DOTSON WAY	APEX NC 27523-7519	
744 BLOSSOM BAY LN	0753001857	YE, QING KANG, RUI	2012 KILLEARN MILL CT	CARY NC 27513-4293	
752 BLOSSOM BAY LN	0753000788	ZHANG, XIAO BING LIN, QING	752 BLOSSOM BAY LN	APEX NC 27523-6801	
716 BLOSSOM BAY LN	0753014068	ZHENG, JIAHUI	1517 CHAMPLAIN CREST WAY	CARY NC 27513-5810	

**Owners Tenants within 300' of Property
Provided by Town of Apex**

SITE_ADDRE	PIN_NUM	OWNER	ADDR1	ADDR2	ADDR3
		APEX TOWN OF	PO BOX 250	APEX NC 27502	
		Current Tenant	716 Blossom Bay LN	APEX NC 27523	
		Current Tenant	720 Blossom Bay LN	APEX NC 27523	
		Current Tenant	732 Blossom Bay LN	APEX NC 27523	
		Current Tenant	744 Blossom Bay LN	APEX NC 27523	
		Current Tenant	2201 Candun DR	APEX NC 27523	
		Current Tenant	2205 Candun DR	APEX NC 27523	
		Current Tenant	803 New Derby LN	APEX NC 27523	
		Current Tenant	2166 N Salem ST	APEX NC 27523	
		Current Tenant	2172 N Salem ST	APEX NC 27523	
		Current Tenant	2180 N Salem ST	APEX NC 27523	
		Current Tenant	2186 N Salem ST	APEX NC 27523	
		Current Tenant	2190 N Salem ST	APEX NC 27523	
		Current Tenant	526 Sweet Laurel LN	APEX NC 27523	

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Ana Wadsworth, do hereby declare as follows:
Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via Teams Virtual Meeting (indicate format of meeting) on Oct. 26, 2021 (date) from 5:00pm (start time) to 7:00pm (end time).
4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

Nov. 30, 2021
Date

By: Ana Wadsworth

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Elizabeth M. Lorscheider, a Notary Public for the above State and County, on this the 30 day of November, 20 21.

SEAL



Elizabeth M. Lorscheider
Notary Public
Elizabeth M. Lorscheider
Print Name

My Commission Expires: May 15, 2025

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

North Salem Station Castle Development Partners

Date/Time of Meeting: 10/26/2021, 5 pm-7 pm

<u>NAME/ORGANIZATION</u>	<u>ADDRESS</u>	<u>PHONE #</u>	<u>EMAIL</u>
Jennifer Ashton			
Jess Achenbach			
Jeff Shiftlett			
Ana Wadsworth			
Drew Howe			
Michael Karpinski			
Brian Bridgers	728 Blossom Bay Lane, Apex NC 27523		
Daniel Jacobson	110 Mint Court, Cary NC 27513		
George Bowden	1042 Monmouth Loop, Cary NC 27513		
Nancy Schipon	202 Kellyridge Drive, Apex NC 27502		
Matthew Tirgrath	1046 Monmouth Loop, Cary NC 27513		
Mike & Diane Stypolkowski	1048 Monmouth Loop, Cary NC 27513		
Mike Stellpflug	117 White Sands Dr, Cary NC 27513		
Scott Meyers	104 Foscoe Lane, Cary NC 27513		
Cindy & Mike Tucker	1040 Monmouth Loop, Cary NC 27513		
Heather & Chris Kempfer			
Allyson Banas	107 Foscoe Lane, Cary NC 27513		
Scott & Robyn Visakowitz	1056 Monmouth Loop, Cary NC 27513		
Rozalina & Wesley Moxley	217 Lost Tree Lane, Cary NC 27513		
Ana Santiago	110 Carostone Court, Cary NC 27513		
Nichey Fuller	1050 Monmouth Loop, Cary NC 27513		
Ryan and Laurel Gordon	118 Carostone Court, Cary NC 27513		
Treva Weaver	1608 Salem Church Rd., Apex NC 27523		
Rafael Muller	110 Carostone Court, Cary NC 27513		
Paras Patel	823 Bay Bouquet Lane, Apex NC 27523		
Matt & Barb Conroy	216 Lost Tree Lane, Cary NC 27513		
Diane Mickelson	1804 Oak Street, Apex NC 27502		
Michael & Megan Berry	113 Lost Tree Lane, Cary NC 27513		

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

North Salem Station Castle Development Partners

Date/Time of Meeting: 10/26/2021, 5 pm-7 pm

<u>NAME/ORGANIZATION</u>	<u>ADDRESS</u>	<u>PHONE #</u>	<u>EMAIL</u>
Steve Barrett	111 Lock Lomond Circle, Cary NC 27511		
Tammie Cheek	414 Hilltop View St., Cary NC 27513		
Isaac Gomes & Jaylene Rios	105 Carostone Ct., Cary NC 27513		
Jodi & Mike Snare	736 Blossom Bay Lane, Apex NC 27523		
Bob Dascombe	2105 West Marilyn Circle, Cary NC 27523		
Jennifer Ashton			
April Johnson			
Robert Smith	203 Lost Tree Ln., Cary NC 27513		
Sarah Grumet			
Sijing Liu			
Mariea Estrada			
Brian & Lois Magee	237 Lost Tree Ln., Cary NC 27513		
David Moore	113 Smokemont Drive, Cary NC 27513		

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

North Salem Station

October 26, 2021 : 5 pm to 7 pm

Concern #1

Traffic Impacts

- Most common concern among all residents.
- Community expressed traffic is already a major concern along adjacent spans of Laura Duncan Road, Salem Church Road, North Salem Street and Old Apex Road.

Proposed Mitigation:

- A full Traffic Impact Analysis has been conducted and is part of this rezoning package.
- Based on the findings of that TIA, several improvements to the adjacent roads to accommodate future traffic conditions. See “Right-of-Way Improvements” section above as well as the full TIA attached.
- Additionally, a trip generation comparison was conducted to compare the site trips (traffic) associated with the allowable land uses under the current zoning (Planned Commercial) versus the site trips associated with the future land use (high-density residential) under the proposed re-zoning.
- Based on those preliminary results, the proposed zoning for all parcels north of N. Salem Street / Old Apex Road is expected to generate significantly fewer trips in comparison to the allowable land uses under the current zoning. The full comparison letter is attached to this submittal.
- Land dedication to the Town of Apex is proposed for future traffic circle.
- Parking has been reduced to 1.6 spaces/unit to promote public transit.
- Construction of bus stop to promote public transit.
- Proposed plan will meet Town of Apex’s Transportation plan and will include the necessary right-of-way width to accommodate for future roadway improvements.

Concern #2

Stormwater Runoff and Drainage

- Neighboring property owners expressed concern that the increased impervious area in the development would create water runoff that current drainage conditions are not equipped to handle, creating erosion and flooding issues.

Proposed Mitigation:

- Design will consider existing drainage patterns and maintain current discharge points.
- Maximum built-upon area will be met (70% or less).
- All new stormwater runoff associated with development will be detained and treated per the Town's nutrient and peak flow requirements.
- All stormwater runoff will be reduced to pre-development conditions to ensure no net increase.
- Stormwater measures will consist of above and underground detention facilities throughout the site.
- Erosion control devices will be installed per State and Town of Apex Requirements.

Concern #3

Proximity of Development to Neighboring Homes

- **Neighboring property owners to the east expressed concerns about proximity of their homes to the property line and the impact the new apartment buildings will have on their viewshed.**

Proposed Mitigation:

- Setbacks in these areas have been increased more than the 10 foot requirement where feasible.
- A voluntary 60 foot setback has been added to eastern side of the site to reduce the impact to these neighbors.
- Development will preserve existing trees on site to the greatest extent possible.
- A Type A Buffer has been proposed throughout the development for enhanced screening.
- All residential buildings will be a maximum of 4 stories, which has been reduced from the allowed 5-story construction.

Concern #4

Property Devaluation

- **Neighbors to the east expressed concern that the proximity of apartment buildings to their homes will devalue their property values.**

Proposed Mitigation:

- The subject properties were zoned for commercial uses (1986) prior to the development of the nearby subdivisions (Linville Ridge, 1993) (The Trace, 2007) (Laurel Crossing, 2014), and so any possible impact of the proximity

of surrounding neighborhoods to commercial properties has long been factored into the value of nearby residential properties.

- The proposed residential use will have less impact on adjoining/nearby properties than commercial uses permitted under current zoning
- The proposed rezoning will include voluntary building setbacks and increase buffer densities that ensure appropriate transitions to nearby residential uses

Concern #5

Impact on School Capacity

- **Community expressed concerns that the apartment dwellings will lead to more school age children in a school system that is already at or over capacity.**

Proposed Mitigation:

- The proposed residential unit mix will cap 3-bedroom units at 10% of the total unit count.
- Applicant's comparable properties average fewer than .06 school age children per unit.
- In similar projects (4-story, interior corridor) in the market developed by Castle Development Partners, the number of school-aged children is minimal.
- December 2019 (pre-pandemic levels) from applicable schools:
 - Laurel Park Elementary School had a capacity of 854 students and an enrollment of 888 students—operating at 104% of capacity
 - Salem Middle School had a capacity of 1,274 students and an enrollment of 1,027 students—operating at 80% of capacity.
 - Apex High School had a capacity of 2,222 students and an enrollment of 2,158 students—operating at 97% of capacity.
 - None of these three schools are subject to enrollment caps.

Concern #6

Pedestrian Safety

- **As part of the general traffic concern, residents expressed concerns around pedestrian safety resulting from the increased traffic—particularly due to the railroad track and nearby elementary school.**

Proposed Mitigation:

- Currently, sidewalks exist along the western side of Laura Duncan and along the North Salem Street frontage.
- A 10' side path will be added along the eastern side of Laura Duncan to connect with Town of Cary's side path.
- Additional sidewalks, ADA ramps and crosswalks will be added along the perimeter of all parcels to enhance pedestrian connectivity around the development.

Concern #7

Preservation of Existing Field and Open Space

- **The neighboring community has grown accustomed to and enjoys the open field condition of the site currently.**

Proposed Mitigation:

- Current site plan will dedicate 0.7 acres at the northwest corner of the site solely as greenspace. This will be used to count towards the RCA requirement as well as to provide a buffer between the neighboring property.
- 1.17 acres will also be dedicated RCA within the non-residential parcels.

Planned Unit Development

NORTH SALEM STATION DEVELOPMENT

Laura Duncan Road · Candun Drive · North Salem Street
Apex, North Carolina
PUD PLAN

May 03, 2022



NORTH SALEM STATION

Planned Unit Development

Prepared for The Town of Apex, North Carolina

Developer

Castle Development Partners
230 Court Square, Suite 202
Charlottesville, VA 22902



Architect

Dynamik Design
5901 Peachtree Dunwoody Rd.
Building C, Suite 250
Atlanta, GA 30328



Civil Engineer

The Wooten Company
120 N. Boylan Ave.
Raleigh, NC 27603



Traffic Engineer

Ramey Kemp & Associates
120 N. Boylan Ave.
Raleigh, NC 27603



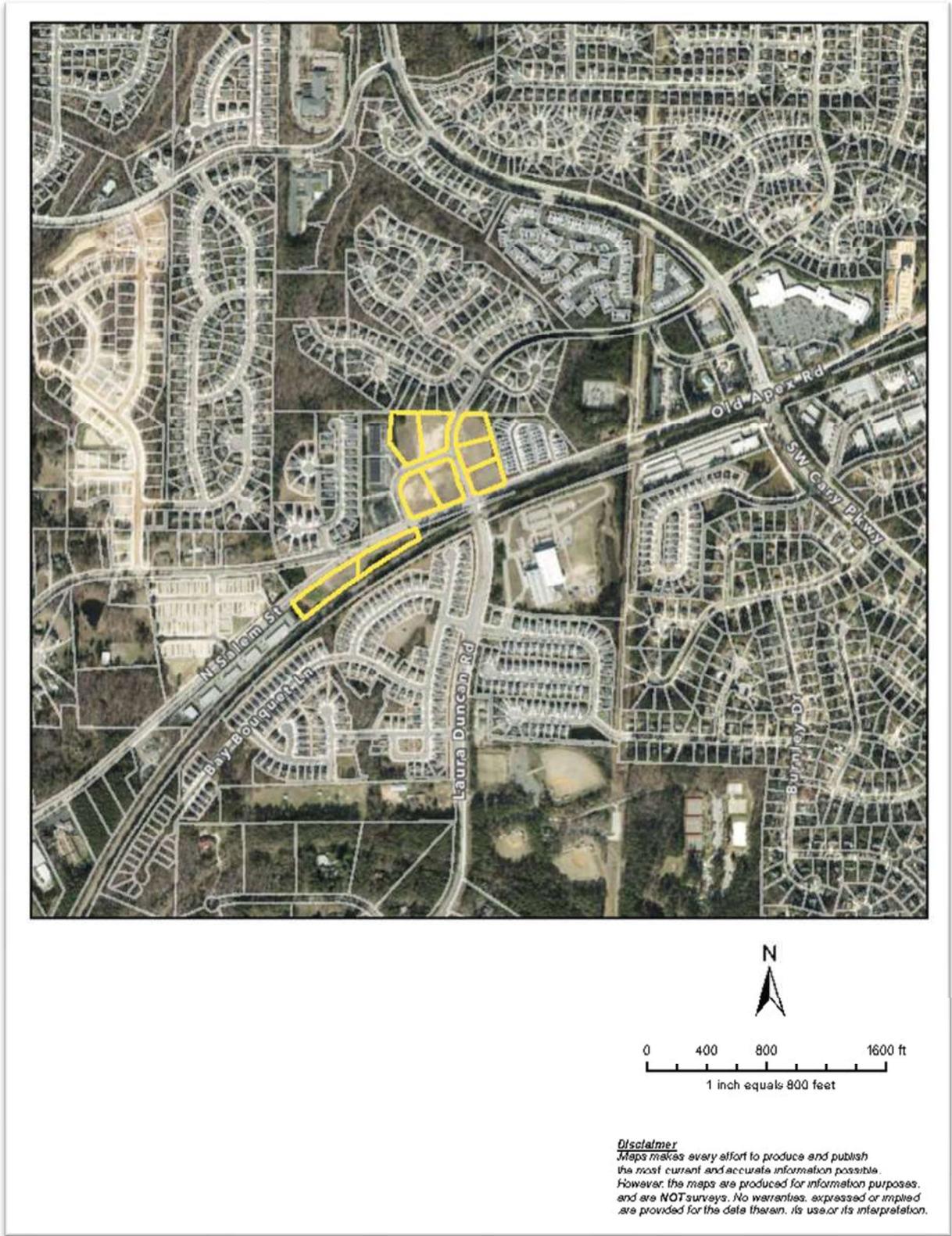
Table of Contents

1.	Vicinity Map.....	3
2.	Parcel(s) Information.....	4
3.	Project Data.....	5
4.	Purpose Statement.....	6
5.	Permitted Uses.....	7
6.	Site Design Controls.....	9
7.	Architectural Design Controls.....	12
8.	Parking and Loading	14
9.	Signage Compliance.....	14
10.	Natural Resource and Environmental Data.....	14
11.	Stormwater Management	15
12.	Parks, Recreation and Cultural Resources.....	16
13.	Public Facilities.....	17
14.	Project Phasing	17
15.	Consistency with Land Use Plan.....	17
16.	Compliance with Unified Development Ordinance.....	18
17.	Right-of-Way Improvements.....	18
18.	Transportation Zoning Conditions.....	19
19.	Additional Right-of-Way Improvements.....	20
20.	Town of Apex and Community Recommendations	
	Environmental Advisory Board Recommendations	21
	Town of Apex’s Suggested Conditions.....	22
	Neighborhood Concerns.....	23

Appendix

- A. Building Elevations
- B. Cover Sheet
- C. Existing Conditions Sheet
- D. Layout Sheet

VICINITY MAP



Disclaimer
Maps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use or its interpretation.

PROJECT DATA

- 1. Name of Project:** North Salem Station

- 2. Applicant:** Castle Development Partners
230 Court Square, Suite 202
Charlottesville, VA 22902

- 3. Prepared By:** The Wooten Company
120 N. Boylan Ave.
Raleigh, NC 27603

- 4. Current Zoning:** PC – Planned Commercial (7 Parcels) and
B1 - Neighborhood Business (2 Parcels)

- 5. Proposed Zoning:** PUD–CZ: Planned Unit Development
Conditional Zoning

- 6. Current 2045 LUM:
Designation** High-Density Residential, Apartments Only/
Commercial Services (7 Tracts- North of N. Salem Street)
High-Density Residential / Office Employment (2 Tracts-
South of N. Salem Street)

- 7. Area of Tract(s):** 10.39 Acres

- 8. Areas Designated as Mixed Use on 2045 LUM:** 0 Acres

- 9. Area of Mixed-Use Property Proposed as Non-Residential:** 0 Acres

- 10. Percent of Mixed-Use Areas Proposed as Non-Residential:** 0%

PURPOSE STATEMENT

North Salem Station development site is comprised currently of nine (9) individual parcels. It is intended that some of these parcels be recombined, resulting in a total of six (6) parcels. Of these parcels, three (3) will be dedicated for residential uses, one (1) for non-residential uses, and two (2) for Resource Conservation Area.

The following information provides a brief summary of how the Development Parameters in the Planned Unit Development District (PUD-CZ) will be met:

The proposed uses designated above for each group of parcels, are permitted uses per §4.2.2 *Use Table* in the Town of Apex's UDO.

North Salem Station includes both residential and non-residential parcels. The residential development will consist of multi-family housing with a maximum of 239 units. The non-residential development will consist of a single building with a maximum area of 10,000 SF.

The proposed development has provided dimensional standards that either meet or exceed compliance with the Town of Apex's UDO. In addition, this development will follow all other requirements of the UDO, North Carolina Building Code and North Carolina Fire Code.

Public sidewalks (5') will be constructed along all right-of-way frontages associated with the development. Per the Town's Parks, Recreation, Greenways and Open Space Master Plan, a ten (10) foot side path will also be constructed along the eastern side of Laura Duncan Road. Internal sidewalks with associated crosswalks and ADA accessible ramps throughout the development will be provided to promote a walkable community for residents.

North Salem Station PUD-CZ is consistent with the High-Density Residential, Apartments only Land Use Designation that was adopted in the 2045 LUM in February 2021 and the proposed design is compatible with the uses and character of the surrounding properties.

North Salem Station will provide quality through enhanced materials and design features, as outlined in the Architectural Controls section below. Sample elevations found in this document illustrate a sample of the style of both residential and non-residential development will provide.

The following information provides a brief summary of how this development proposes site-specific standards and conditions consistent with all Conditional Zoning (CZ) District Standards found in the Town of Apex's UDO §2.3.3 *Conditional Zoning Districts*:

The proposed zoning district PUD-CZ is allowed within the High-Density Residential Use per the 2045 Town of Apex's Land Use Map. The development proposes a maximum density of 23 units per acre.

The proposed location of the development is compatible with the character of the surrounding land uses.

Supplemental standards pertaining to multi-family development, as well as the future use of the non-residential parcels will be incorporated into the final design.

Design will adhere to the Town of Apex's design standards to minimize adverse impacts to the surrounding land. Architectural guidelines and controls will ensure that an appropriate aesthetic is incorporated that is consistent with local architecture and maintains a high level of quality. The project will not create any significant or uncommon nuisances to the surrounding properties.

Design will minimize environmental impacts by adhering to all the Town of Apex's site planning requirements and necessary mitigation efforts. The project will designate 20% of the site as RCA and include additional conditions beneficial to environmental impacts such as solar panels, sanitary sewer pump station improvements (if required) and electric vehicle charging stations for residential uses.

The proposed PUD-CZ will not create any unique or uncommon impacts on public facilities. Any impacts to public facilities will be mitigated by public improvements at the property or fees in lieu, as required by the Town of Apex.

The proposed PUD-CZ will meet all applicable guidelines for health, safety, or welfare of the residents of the Town of Apex.

The proposed PUD-CZ is in compliance with the Town of Apex's recommended use for the Property, as determined in the 2045 Land Use Map. Proposed residential and office/flex uses are consistent with adjacent properties. Increased building setbacks have been incorporated on property lines near existing residences.

The proposed PUD-CZ will not create or constitute a nuisance or hazard. A TIA will be included with this application to recommend any traffic impact mitigation improvements necessary because of the CZ use. The project will comply with traffic mitigation improvements, as required by the Town of Apex.

The proposed PUD-CZ will comply with all standards imposed on it by all other applicable provision of this ordinance for use, layout, and general development characteristics.

PERMITTED USES

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

Permitted Residential Use Categories: Parcels 2, 3, and 4	
Multi-Family/Apartment	Utility minor
Condominium	Park, active
Park, passive	Private Recreation Facility



Permitted Non-Residential Use Categories: Parcel 6

Recreational Uses:

Park Active/Park Passive

Food and Beverage Services:

Restaurant, General

Office and Research:

Medical or Dental Office or Clinic

Medical or Dental Laboratory

Office (Business or Professional)

Research Facility

Industrial Services:

Woodworking or cabinetmaking

Manufacturing and processing, minor (S)

Microbrewery

Micro Distillery

Retail Sales and Services:

Artisan Studio

Book Store

Financial Institution

Grocery, Specialty

Kennel

Real estate sales

Studio for art

Upholstery shop

Barber and Beauty Shop

Floral Shop

Grocery, General

Health/fitness center or spa

Printing and copying service

Retail sales, general

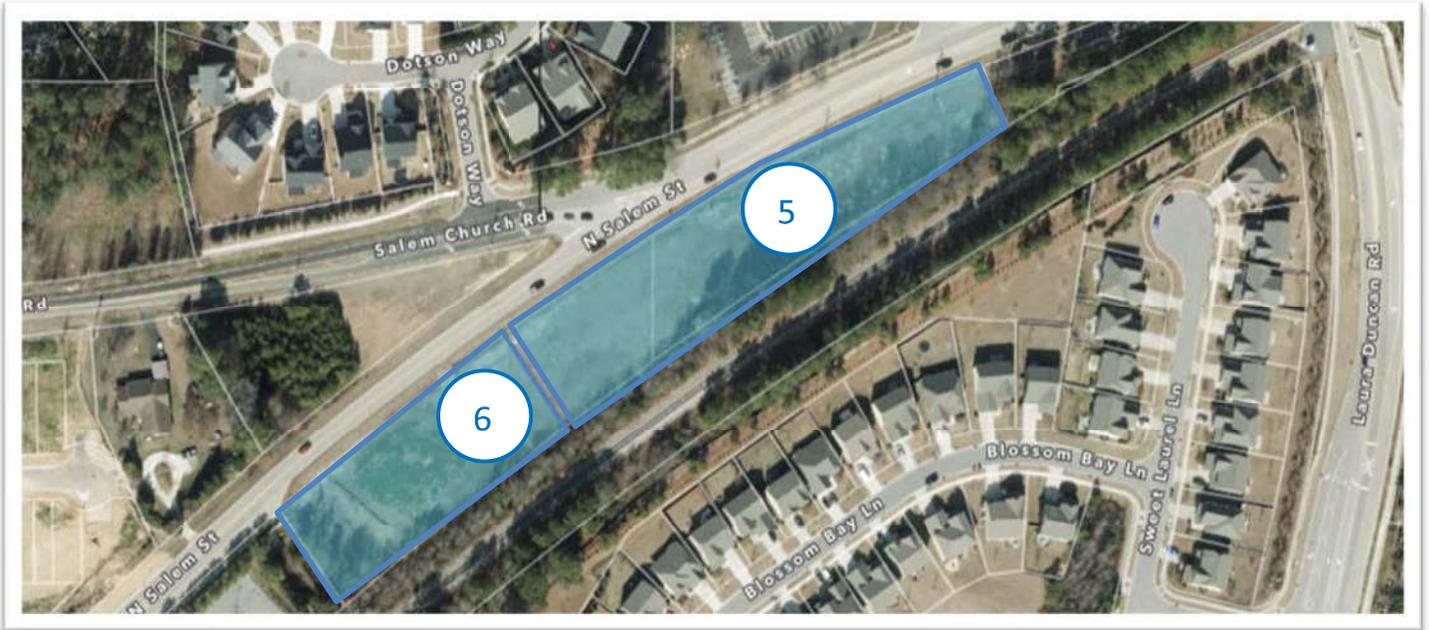
Tailor shop

Pet services

SITE DESIGN CONTROLS

Total Site Acreage: 10.39 acres

Residential Use Parcels



1. **Maximum Overall Gross Density** – 23 Units/Acre
2. **Maximum Number of Units** - 239
3. **Maximum Building Height** – 60 feet (Maximum 4 Stories)
4. **Maximum Built Upon Area** –70% of Total Area
5. **Building Setbacks**

Parcel 1	
RCA- No Setbacks	
Parcel 2	
Front:	10 feet (South, Candun Drive)
Side:	20 feet (East, Laura Duncan Drive)
Side:	0 feet (West, Parcel 1)
Rear:	Required Buffer + 5 Feet (North)
Parcel 3	
Front:	50 feet (West, South of Candun Drive) 20 feet (West, North of Candun Drive)
Side:	50 feet (South, Old Apex Road)
Side:	Required Buffer + 5 Feet (North)
Rear:	60 feet (East)

Parcel 4	
Front:	50 feet (South, N. Salem Street)
Side:	50 feet (East, Laura Duncan Road)
Side:	10 feet (West, Candun Drive)
Rear:	10 feet (North, Candun Drive)

6. **Buffers**

Perimeter	
Northern Buffer	10 feet – Type A Buffer
Eastern Buffer	15 feet – Type A Buffer
North Salem Street	30 feet – Type A Buffer*
Western Buffer	0 feet
Laura Duncan Road	0 feet

*The overhead Duke Energy electric easement along North Salem Street shall be counted towards the required buffer standards as identified within various UDO sections. Vegetation planted under the buffer shall be chosen to be 20 feet or less tall, so as to avoid impacting the overhead utility lines.



Non-Residential Use Parcels

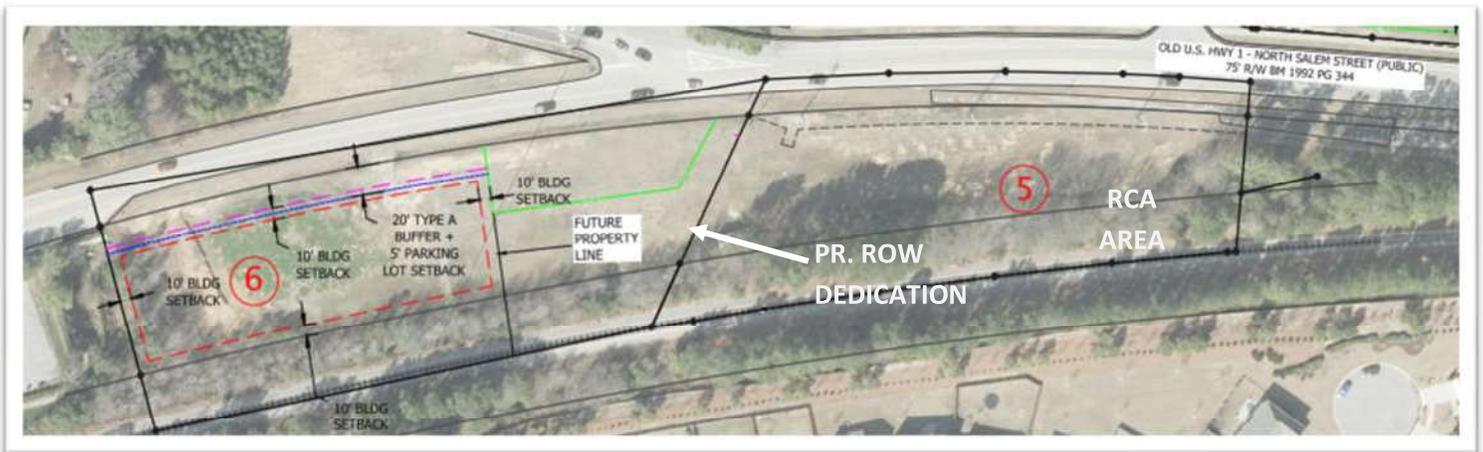
1. **Maximum Building Height** – 40 feet (Maximum 2 Stories)
2. **Maximum Built Upon Area** –70% of Total Area
3. **Maximum Square Footage**- 10,000 SF

4. Building Setbacks

Parcel 5	
RCA- No Setbacks	
Parcel 6	
Front:	Required Buffer + 10 feet (North, North Salem St.)
Side:	10 feet
Rear:	10 Feet (South, CSX Rail)

5. Buffers

Perimeter	
North Salem Street	20 feet – Type A Buffer
Eastern Buffer	0 feet
Southern Buffer	0 feet
Western Buffer	0 feet



ARCHITECTURAL DESIGN CONTROLS

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are limited examples of multiple options available. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Site Plan submittal.

Residential (all product types):

1. Proposed materials and styles will be of a similar palette to provide consistency of character along with visual interest. Exterior materials that may be incorporated into any of the residential buildings include:
 - a. Cementitious siding

- b. Wood or synthetic wood siding
 - c. Stone or synthetic stone
 - d. Brick
 - e. Additional building materials may be included with administrative staff approval. Substitute materials shall be allowed by staff approval if the Planning Director determine them to be adequately similar.
2. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
 3. For multi-family/apartment buildings, the roofs may be pitched or flat. All other housing types shall have pitched roofs.
 4. Siding materials shall be varied in type and/or color on 30% of each facade on each building.
 5. Windows that are not recessed must be trimmed.
 6. Rooflines cannot be a single mass; they must be varied with the use of gables or parapets.
 7. Solar conduit will be provided on all buildings to accommodate the future installation of solar panels.
 8. The proposed residential unit mix will cap 3-bedroom units at 10% of the total unit count.

Non-Residential:

1. Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details as well as landscaping shall be incorporated to add visual interest. Large expanses of blank walls, greater than 20 feet in length or height, shall be broken up with windows or other architectural features to reduce visual impacts.
2. Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material.
3. Two (2) or more materials shall be used on each building.
4. Permitted materials include:
 - a. Brick, stone, or synthetic stone masonry
 - b. Decorative concrete block (integral color or textured)
 - c. Stone accents
 - d. Aluminum storefront windows/doors with anodized or pre-finished colors
 - e. EIFS cornices and parapet trim
 - f. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to 25% of each building facade.
 - g. Precast concrete
 - h. Cementitious siding
5. Prohibited materials include:
 - a. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
 - b. Painted, smooth faced concrete block
 - c. Metal Walls. Decorative metal accents and panels may be accepted.
6. Exterior lighting shall not exceed a color temperature of 3,500K and shall meet UDO requirements for full cut off lights.

PARKING AND LOADING

Parking calculations and dimensions for this PUD will comply with UDO Section 8.3 (Off-Street Parking and Loading) of the Town of Apex's Unified Development Ordinance unless otherwise stated in this document.

This development proposes a minimum of 1.3 spaces/residential unit and a maximum of 1.6 spaces/residential unit for all surface lot spaces serving the residential lots. This cap on the maximum parking count was incorporated after discussions with Town Council members and is intended to reduce the number of parking spaces from what the ordinance would require otherwise to maximize green space and promote the use of public transit. The parking count will be based on all unit types and not specify a requirement per number of bedrooms. No more than 10% of the total unit count shall be 3-bedroom units.

As a consideration for the number of residents this development will bring to the area, Castle Development aims to reduce the amount of traffic and promote the use of public transportation by reducing parking spaces on site. The residential development shall construct two bus stops along North Salem Street/Old Apex Road and coordinate the final location with the Town of Apex and Town of Cary in accordance with GoApex and Regional Transit requirements.

Parking associated with the non-residential use lots shall comply with UDO Section 8.3. Bicycle and ADA parking will be provided as required.

A minimum of 5% of the parking spaces shall be Electric Vehicle (EV) Charging spaces. EV charging spaces for the residential development shall be based on the number of parking spaces required by the UDO rather than the reduced parking ratio proposed by the PUD. EV charging spaces shall be provided in either surface or garage lots in accordance with UDO Sec. 8.3.11.

Boat, Boat Trailer, and Recreational Vehicle (RV) parking shall be prohibited on site.

Trash pick-up shall be contracted with a private company and limited to the hours of 7:00 AM to 7:00 PM, Monday through Saturday.

SIGNAGE COMPLIANCE

All signage for this PUD will comply with Section 8.7 (Signs) of the Town of Apex UDO.

NATURAL RESOURCE AND ENVIRONMENTAL DATA

1. Primary or Secondary Watershed Protection Overlay District –

This project is located within the Cape Fear River Basin. Most of the proposed site (parcels north of N. Salem St.) is located within the Secondary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map. The two (2) parcels south of N. Salem St. are located within the Primary Watershed Protection Overlay District. This PUD will comply with section 6.1.7 of the UDO, High-Density Development Option.

2. FEMA Designated 100 Year Floodplain –

The proposed PUD site is not located in a designated current or future 100-year floodplain as shown on the Town of Apex FEMA map and FIRM Panels 3720074300J and 3720075300J, effective 5/02/06.

3. Resource Conservation Area (RCA)

The PUD will be subject to and meet the requirements of Sections 8.1.2 and 2.3.2 of the Town of Apex UDO. Since the site is located to the east of NC 540, a minimum 20% of the gross site acreage shall be designated as RCA.

RCA BREAKDOWN	
Total Site Area:	10.39 acres/452,588 SF
Total RCA Required (20%):	2.08 acres/90,518 SF
Total RCA Provided (20.8%):	2.16 acres/93,944 SF

Applicant intends to dedicate 0.7 acres of land (**Parcel 1**) at the northwest corner of the site solely for open space/RCA dedication. This land will prohibit construction of any kind. It is currently grassy and will be planted to meet the UDO’s requirements for planted RCA.

In addition, approximately 1.17 acres of land located on the south side of North Salem Street (**Parcel 5**) will be dedicated as RCA. The proposed plan will also prohibit construction to occur within this area for the purposes of this development.

The RCA for Parcels 1 and 5 shall be planted and dedicated prior to the last Site Plan Final Plat for the residential portion of the development.

4. Evidence of Historic Structure On-Site -

Per the North Carolina State Historic Preservation Office National Historic Places, there are no historic structures present within the proposed project boundary.

STORMWATER MANAGEMENT

The proposed PUD shall meet all stormwater management quality and quantity requirements in accordance with 6.1.7 of the Town of Apex’s Unified Development Ordinance.

- ❖ Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1- and 10-year storm events.
- ❖ Treatment will be provided for the 1st inch of runoff and will provide a minimum of 85% removal of total suspended solids.

Due to site constraints, stormwater control measures may include, but not be limited to, underground detention systems with NCDEQ approved Storm Filter and Filterra Systems for treatment and bioretention areas and/or construction stormwater wetlands in and around parking lots. If elevation change is feasible, an above ground stormwater detention pond may be added to a portion of the lot on the south side of N. Salem Street. All stormwater control measures shall be approved and designed according to the NCDEQ Design Manual as well as the Town of Apex’s UDO.

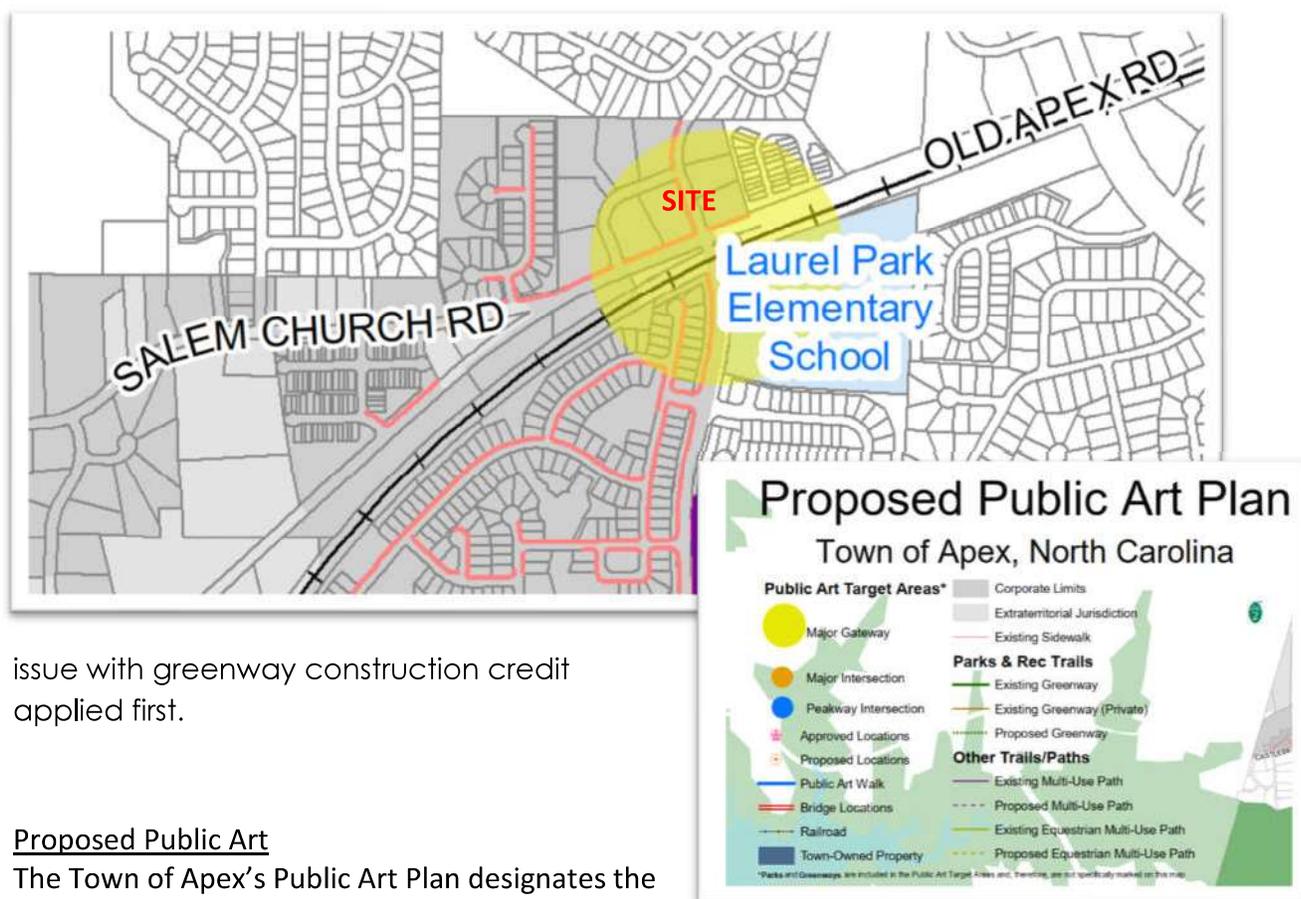
PARKS, RECREATION AND CULTURAL RESOURCES

This PUD proposes a fee-in-lieu of dedication. The rate is based on the time of PUD and PRCR Advisory Commission Approval.

\$2,226.05 per multi-family unit

However, per the Town of Apex's Parks, Recreation, Greenways and Open Space Master Plan, a new 'Greenway Trail' is proposed along the Northern Property Boundary (Along Proposed Parcels 1 and 2) and a 'Sidepath' is proposed along the Eastern side of Laura Duncan Drive.

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the project on February 23, 2022. They unanimously recommended a fee-in-lieu of dedication for 240 multi-family units and with credit for construction of greenway trail against fees owed. The timing for the completion of the greenway should be tied to the approval of the final plat. The rate of the fee-in-lieu will be set at the time of Town Council approval. The current 2022 rate of \$2226.05 multiplied by the maximum multi-family unit total would result in \$534,252.00 of fees deposited with the Town at the time the building permit is approved for



issue with greenway construction credit applied first.

Proposed Public Art

The Town of Apex's Public Art Plan designates the area around the intersection of Laura Duncan and North Salem as a "Major Gateway" into Apex. To help promote the Town's Public Art Plan, the Applicant proposes to dedicate an easement for the installation of public art. Location of the art installation will be agreed upon and determined during site plan review.

Application proposes to donate \$10,000 to the Citizens for Apex Parks to be allocated towards an art installation to be erected within this development area.

PUBLIC FACILITIES

The proposed PUD shall meet all public facilities requirements in accordance with the Town of Apex's UDO, Advance Apex: The 2045 Transportation Plan, and Standard Specifications and Details.

Roadway Infrastructure

See Right-of-Way Improvements Section of this document for a summary of how proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex's UDO and Transportation Plan.

Pedestrian Connectivity

All sidewalks installed per the Right of Way Improvements section herein shall be a minimum five (5) feet wide to enhance pedestrian connectivity and safety. All sidewalks will include ADA accessible ramps, detectable warning strips and crosswalks where necessary.

A ten (10) foot wide side path along the eastern side of Laura Duncan Road will be constructed in accordance with the Town of Apex's Parks, Recreation, Greenways and Open Space Master Plan.

Water and Sanitary Sewer

All lots within the project will be served by the Town of Apex for water and sanitary sewer. The proposed design will meet the Town's current standard details and specifications for all connections to the public system.

A capacity study is in progress that analyzes existing and proposed wastewater flows. A final report and analysis will be provided to the Town of Apex to determine if any improvements are required. Any upgrades required to the system will be a condition of site plan approval.

A fire flow test will be conducted to analyze current static and residual pressures around the site.

PROJECT PHASING

Phasing for the project shall be determined during site plan or master subdivision plan review and coordinated with the Technical Review Committee.

CONSISTENCY WITH LAND USE PLAN

The proposed land use is consistent with the Advance Apex: 2045 Land Use Map Update.

The 2045 Land Use Map designates the subject parcels to the North of N. Salem St. (2-4) as High-Density Residential, Apartments Only and Commercial Services. The proposed land use for these parcels is High-Density Residential, which is consistent with the Land Use Map designation.

The 2045 LUM designates the subject parcels to the South of N. Salem St. as High-Density Residential and Office Employment. The proposed land uses designated for parcel 6 are consistent with those listed in the zoning districts under Office Employment. Those uses are consistent with the 2045 Land Use Map designation.

COMPLIANCE WITH UNIFIED DEVELOPMENT ORDINANCE

The proposed PUD-CZ and associated development is consistent with all applicable requirements of the Town's Unified Development Ordinance.

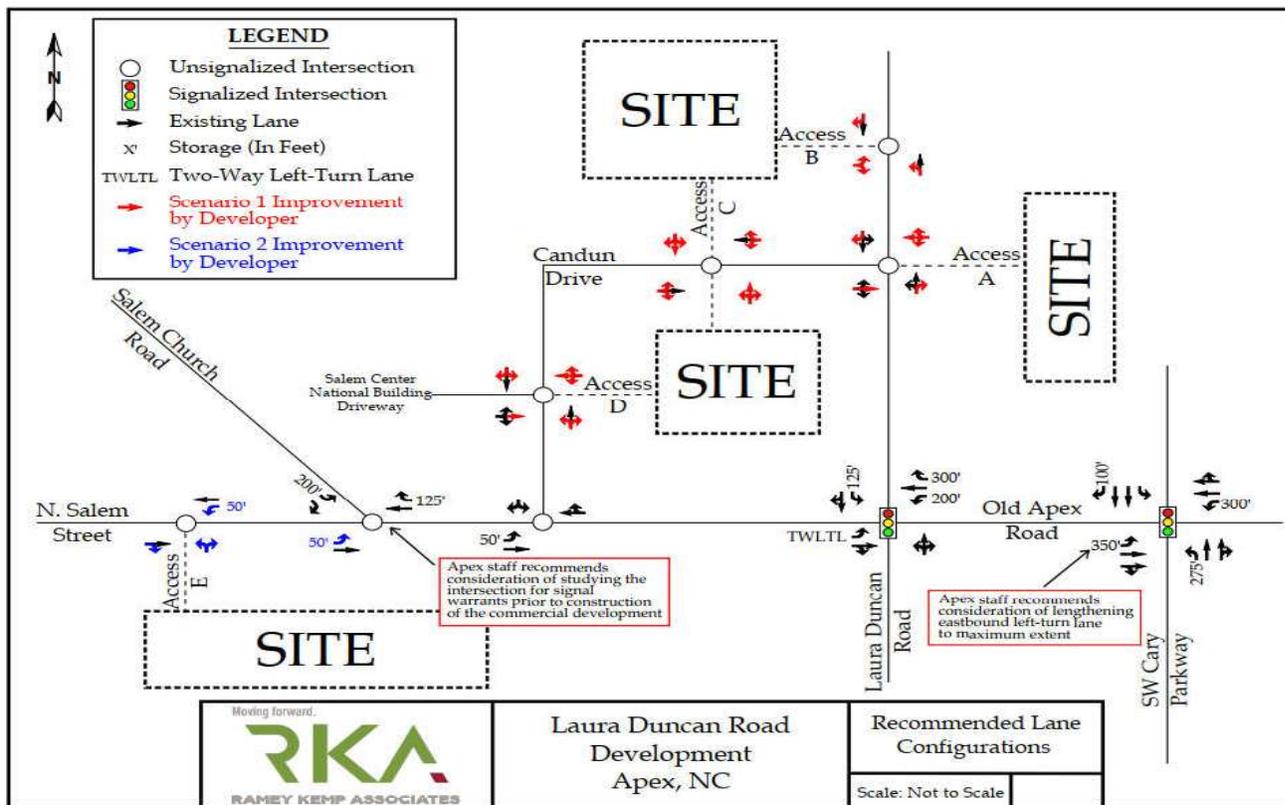
RIGHT-OF-WAY IMPROVEMENTS

The following recommendations were provided as part of the Traffic Impact Analysis (TIA) prepared by Ramey Kemp and Associates in November of 2021. Refer to the figure below for an illustration of the recommended lane configuration. The full TIA is provided as an attachment to the PUD re-zoning submittal.

1. **Laura Duncan Road and Candun Drive/Access A:**
 - a. Construct the westbound approach with one ingress and one egress lane.
 - b. Provide stop control for the westbound approach.
2. **Laura Duncan Road and Access B:**
 - a. Construct the eastbound approach with one ingress and one egress lane.
 - b. Provide Stop control for the eastbound approach.
3. **Laura Duncan Road and Access C:**
 - a. Construct the northbound and southbound approaches with one ingress and one egress lane.
 - b. Provide Stop control for the northbound and southbound approaches.
4. **Laura Duncan Road and Access D:**
 - a. Align access D with existing driveway on Candun Drive.
 - b. Construct the westbound approach with one ingress and one egress lane.
 - c. Provide Stop control for the westbound approach.
5. **North Salem Street and Access E (Will Complete for the Development of the Non-Residential Lots):**
 - a. Provide an exclusive westbound left-turn lane with a minimum of a 50' storage lane and appropriate deceleration and taper on North Salem Street.
 - b. Construct the northbound approach with one ingress and one egress lane.
 - c. Provide stop control for the northbound approach.
6. **North Salem Street and Salem Church Road (Will Complete for the Development of the Non-Residential Lots):**
 - a. Construct an exclusive eastbound left turn lane with a minimum of a 50' storage lane and appropriate deceleration and taper on North Salem Street.
7. **Old Apex Road and SW Cary Parkway**
 - a. The Town of Apex staff recommends consideration of lengthening eastbound left-turn lane to maximum extent. Developer will consider these improvements only if NCDOT requires only grinding of existing paint lines, not mill and overlay of full roadway width.

8. North Salem Street and Laura Duncan Road (Will Complete for the Development of the Non-Residential Lots):

- a. Provide an exclusive eastbound right-turn lane along North Salem Street approaching Laura Duncan Road per NCDOT request, along with the associated signal modification / revised signal plan.



TRANSPORTATION ZONING CONDITIONS

1. All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval.
2. All development frontage improvements along North Salem Street shall be based on a minimum 41' back-to-back 3-lane roadway on 80' right-of-way. As part of the non-residential site plan, a maximum of one (1) access point shall be proposed on North Salem Street, to be located west of Salem Church Road and serving the south parcel.
3. All development frontage along Laura Duncan Road shall include a 5' sidewalk on the west side and 10' Side Path on the east side. A maximum of two (2) access points shall be proposed, one located north of Candun Drive serving the west side and one across from Candun Drive serving the east side.
4. All development frontage along both sides of Candun Drive shall include a 5' sidewalk. A maximum of three (3) access points shall be proposed, two located across from each other west of Laura Duncan Road serving the north and south side and one north of North Salem Street serving the east side.

5. Developer shall provide a 50' building setback along Laura Duncan Road from North Salem Street to Candun Drive and along the entire development frontage of North Salem Street in consideration of the planned grade separation of Laura Duncan Road at the railroad tracks.
6. Developer shall perform a warrant study for the intersection of Salem Church Road at North Salem Street if directed by Apex staff prior to site plan approval of the non-residential parcel south of North Salem Street and install a traffic signal if determined by warrant study and required by NCDOT. If not required at that time, developer shall have no future responsibility for a traffic signal.
7. Developer will dedicate a maximum of 0.24 acres of additional right of way as shown on the Site Layout based on a conceptual future single-lane roundabout at the intersection of North Salem Street and Salem Church Road.
8. At the time of constructing driveway access to the non-residential parcel located south of North Salem Street, developer shall widen North Salem Street to provide a two-way left-turn lane (TWLTL) between the driveway access and Salem Church Road serving left turns at both intersections.
9. Prior to the first Site Plan Final Plat for the residential parcels, Developer shall lengthen the eastbound left turn lane on Old Apex Road approaching Cary Parkway to the maximum extent possible by restriping the existing painted median island for additional storage length only if NCDOT allows this work to be done without milling and asphalt overlay. If NCDOT requires milling and asphalt overlay then this work shall not be required of the Developer.
10. Developer shall construct two bus stops per Town of Apex standards with amenity pad, bench, bicycle parking, and trash receptacle. Bus stops shall be constructed to accommodate a shelter, but shelters shall not be provided by the applicant. The bus stops shall be paired, to serve both sides of North Salem Street, the final location to be determined by Apex staff during site plan review. If needed, a Transit Access Easement shall be provided for public access to the bus stops.

ADDITIONAL RIGHT-OF-WAY IMPROVEMENTS

Currently, sidewalks exist along the western side of Laura Duncan and along the North Salem Street frontage. A 10' side path will be built along the eastern side of Laura Duncan to connect with Town of Cary's side path. During construction of the residential development, the developer shall ensure that a safe, paved pedestrian route shall be maintained from Linville Ridge Subdivision to Laurel Park Elementary School.

Prior to the residential final plat, additional sidewalks, ADA ramps and crosswalks will be added along the street frontage of all residential parcels to enhance pedestrian connectivity around the development. A sidewalk along the south side of North Salem Street will be constructed from the intersection of Laura Duncan Road westward to the proposed bus stop located on the south side of North Salem Street. If approval of the bus stop and/or sidewalk on the south side of North Salem Street is not permitted by CSX Railroad, NCDOT and/or the Town of Cary, installation of this sidewalk will not be a condition of this rezoning and will not prohibit or delay any approvals or permits of the residential development.

Prior to the non-residential final plat, a sidewalk will be constructed along the property frontage of Lots 5 and 6, continuing eastward to the proposed bus stop located on the south side of North Salem

Street. If approval of the bus stop and/or sidewalk on the south side of North Salem Street is not permitted by CSX Railroad, NCDOT and/or the Town of Cary, installation of this sidewalk will not be a condition of this rezoning and will not prohibit or delay any approvals or permits of the non-residential development.

At the intersection of Laura Duncan Road and North Salem Street, applicant shall install remaining two legs of the crosswalk with construction of the residential parcels. If approval of both (two) legs of the crosswalk are not permitted by CSX Railroad, NCDOT and/or Town of Cary, applicant will attempt approval of a single leg of crosswalk; if approval of a single leg of the crosswalk is not permitted by CSX Railroad, NCDOT and/or Town of Cary, installation of crosswalks at the intersection of Laura Duncan Road and North Salem Street will no longer be a condition of this rezoning and will not prohibit or delay any approvals or permits of the residential or non-residential developments.

Future right-of-way and/or easement dedication (Developer is flexible on locations) is provided as a part of this proposal for the following:

- Two Bus Stop Locations to promote public transportation (Along N. Salem St.)
- Future Traffic Circle near the N. Salem St. and Salem Church Rd. intersection. (This will be dedicated prior to non-residential final plat).
- Public Art Installation

ENVIRONMENTAL ADVISORY BOARD RECOMMENDATIONS

The following environmental commitments were discussed and approved by the Apex Environmental Board on August 19, 2021. This summary describes each concern and how the applicant plans to address these recommendations.

<p>#1: Project shall apply for sustainable building certification.</p>
<p>Response: The residential parcels shall apply for the National Green Building Standard Certification at the Bronze level and will be designed and constructed to meet those standards. The application process would begin at the start of architectural design for the residential buildings). The Certification would be obtained within 1 year of the building Certificate of Occupancy. A third-party energy management consultant will be contracted as a part of the design team to ensure that the standards are met.</p>
<p>#2: Pet waste stations shall be installed throughout the neighborhood.</p>
<p>Response: Pet waste stations shall be installed at 3 or more locations throughout the development.</p>
<p>#3: Site shall include electric vehicle charging stations.</p>
<p>Response: A minimum of 5% of the parking spaces shall be Electric Vehicle (EV) Charging spaces. EV charging spaces for the residential development shall be based on the number of parking spaces required by the UDO rather than the reduced parking ratio proposed by the PUD. EV charging spaces shall be provided in either surface or garage lots in accordance with UDO Sec. 8.3.11.</p>
<p>#4: Follow the International Dark Sky Association compliance standards.</p>
<p>Response: International Dark Sky Association Compliance Standards is already intended for this project, as this is a standard practice at all Castle Development sites.</p> <p>a. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.</p>

<ul style="list-style-type: none"> b. Lighting that minimizes the emission of blue light to reduce glare shall be used. c. Lighting with a color temperature of 3000K or less shall be used for outside installations.
<p>#5: Reserve pervious surface areas for residents with pets.</p>
<p>Response: Since the EAB has reviewed the conceptual site plan, additional green space has been added to designate a dog park within the community.</p>
<p>#6: Recommendation of decreasing housing density to accommodate the following:</p> <ul style="list-style-type: none"> • Double the set-back from N. Salem Street/Old Raleigh to accommodate a minimum 30-foot-wide “A” type buffer. • Provide an “A” type buffer around the remainder of the development. • Use canopy trees in the parking lot and add six trees internal to the lot. • Add a retention pond that will serve a 25-year storm with maximum residual volume allowed for the pond surface area.
<p>Response:</p> <ul style="list-style-type: none"> • All setbacks and buffers have been adjusted to provide an appropriate width and screening for surrounding streets and properties. A 30’ wide Type A Buffer and a 50’ Building Setback have been added along the street frontage of N. Salem Street. • Type A Buffers have been added to the remainder of the development. • If site design allows, applicant agrees to install additional trees where appropriate. • Due to site constraints, an underground detention system with other surface stormwater control measures will be proposed to detain and treat runoff from the 1- and 10- year/24-hour storm events.
<p>#7: Install solar PV systems on the south facing rooftops of a minimum size that will support the common electrical energy requirements. This includes the recreational room and pool. If there is additional rooftop available, install solar energy PV systems that provide electricity to individual apartments.</p>
<p>Response:</p> <ul style="list-style-type: none"> • Applicant will install Solar PV System (minimum 4KW DC Solar PV System). to power community clubhouse building in residential area. • Solar conduits will be installed in all residential buildings for future PV systems.

TOWN OF APEX’S SUGGESTED CONDITIONS

In previous meetings, the Town Council has expressed several areas of concern. Below is a summary of how the applicant plans to address some of these concerns.

<p>Concern #1: Affordable Housing</p>
<p>Response:</p> <p>To support the need for affordable housing within the Town of Apex, the Developer proposes that for a minimum affordability period of five (5) years from the issuance of the first residential certificate of occupancy (the “Affordability Period), at least eight (8) residential dwelling units built on the Property shall be designated as affordable low-income restricted rental units (the “Affordable Dwelling Units”). The Affordable Dwelling Units shall be rented to and occupied by low-income households during the Affordability Period at maximum rent limits per bedroom size and income limits adjusted for family size, no greater than sixty percent (60%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income</p>

(AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD) and stipulated by the most recently published North Carolina Housing Finance Agency (NCHFA) Low-Income Housing Tax Credit (LIHTC) Multifamily Tax Subsidy Program (MTSP) income and rent limits for the Wake Metropolitan area. Allocation of the Affordable Dwelling Units between 1, 2 and 3-bedroom units will be at the discretion of the Developer, so long as a minimum of eight (8) of the Project’s total residential dwelling units are maintained as Affordable Dwelling Units. During the Affordability Period, the Developer shall be responsible for performing all property management and administration duties for the Affordable Dwelling Units. Following completion of the Affordability Period, this affordable housing condition shall expire, the Developer shall be relieved of all obligations set forth in this affordable housing condition, and the Affordable Dwelling Units may be freely marketed and leased at market-rate rents. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the property prior to the first Certificate of Occupancy to memorialize the affordable housing terms and conditions of the approved zoning condition.

Concern #2: Tree Preservation

Response:

The existing site is mostly clear. However, areas around the perimeter include natural vegetation. A tree survey will be conducted to ensure the species and size of trees surrounding the site. Areas within a portion of the landscape buffers will be used for RCA. Any cleared areas designated as RCA shall be planted to the standards listed in the UDO.

A Type A Buffer is also proposed for all landscape buffers throughout the site. Although not anticipated, any existing trees greater than 18” in diameter that are removed by site development shall be replaced by planting a 1.5” caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, beyond standard UDO requirements.

Landscape will follow the Town’s UDO to provide the required plantings on site throughout the development, as well.

Concern #3: Solar Energy

Response:

- Lots 2-4: The residential clubhouse building will incorporate a solar PV system (minimum 4KW DC Solar PV System). Solar conduits will be included in all residential buildings for potential future installations. All solar installation required by this condition shall be completed or under construction prior to the final building Certificate of Occupancy.
- Lot 6: No solar PV system requirement included.

NEIGHBORHOOD CONCERNS

Concern #1: Traffic Impacts

Most common concern among all residents.

Community expressed traffic is already a major concern along adjacent spans of Laura Duncan Road, Salem Church Road, North Salem Street and Old Apex Road.

Response/Proposed Mitigation:

- A full Traffic Impact Analysis has been conducted and is part of this rezoning package.
- Based on the findings of that TIA, multiple improvements are proposed accommodate future traffic conditions. See “Right-of-Way Improvements” section above as well as the full TIA attached.
- Additionally, a separate TIA was conducted to compare the traffic impact of multiple by-right scenarios (office/commercial) to the proposed rezoned use (high-density residential).

- Based on the TIA findings, the proposed high-density residential development will generate significantly less traffic impact than if the properties were to be developed per the in-place, By-Right zoning designations. See full finding of traffic engineer's study attached to this submittal.
- Land shall be dedicated to the Town of Apex for a future traffic circle at Salem Church Road and North Salem St.
- Parking has been reduced to a minimum of 1.3 spaces per unit and a maximum of 1.6 spaces/unit to promote public transit.
- The project shall construct two bus stops to promote public transit.
- The proposed plan shall meet Town of Apex's Transportation plan and will include the necessary right-of-way width to accommodate for future roadway improvements.

Concern #2: Stormwater Runoff and Drainage

Neighboring property owners expressed concern that the increased impervious area in the development would create water runoff that current drainage conditions are not equipped to manage, creating erosion and flooding issues.

Response/Proposed Mitigation:

All Stormwater Control Measures and Erosion Control Measures will be designed to comply with the following:

- NC DEQ and Town of Apex standards and requirements
- Design will consider existing drainage patterns and maintain current discharge points.
- Maximum built-upon area will be 70% or less.
- All new stormwater runoff associated with development will be detained and treated per the Town's nutrient and peak flow requirements.
- All stormwater runoff will be reduced to pre-development conditions to ensure no net increase.
- May consist of above and underground detention facilities throughout the site. The best SCM will be chosen once design has begun.
- By-Right development of the site would have an equal or greater amount of impervious area.

Concern #3: Proximity of Development to Neighboring Homes

Neighboring property owners to the east expressed concerns about proximity of their homes to the property line and the impact the new apartment buildings will have on their viewshed.

Response/Proposed Mitigation:

- Setbacks in these areas have been increased more than the 10-foot requirement where feasible.
- A voluntary 60-foot building setback has been added to eastern side of the site to reduce the impact to these neighbors.
- Development will preserve existing trees and plant additional trees on site to the greatest extent possible.
- All buffer types have been upgraded to a Type A Buffer surrounding the development for enhanced screening.
- All residential buildings will be a maximum of 4 stories, which has been reduced from the allowed 5-story construction.

Concern #4: Property Devaluation

Neighbors to the east expressed concern that the proximity of apartment buildings to their homes will devalue their property values.

Response/Proposed Mitigation:

- The subject properties were zoned for commercial uses in 1986, prior to the development of the nearby subdivisions (Linville Ridge, 1993) (The Trace, 2007) (Laurel Crossing, 2014)—therefore, development of these properties has been anticipated for as long as any of the homes have existed.
- The home devaluation concern reflects comparing the current home values (with an undeveloped field) to future home values (developed with apartments).
 - Future home values inclusive of a By-Right development should also be considered—By-Right development could include strip malls, gas stations, fast food drive-throughs, car washes, auto service stations and other businesses that are typically regarded as more obtrusive than apartments.
- The proposed rezoning will include voluntary building setbacks and increased buffer densities that ensure appropriate transitions to nearby residential uses.

Concern #5: Impact on School Capacity

Community expressed concerns that the apartment dwellings will lead to more school age children in a school system that is already at or over capacity.

Response/Proposed Mitigation:

- The proposed residential unit mix will cap 3-bedroom units at 10% of the total unit count.
- Applicant's comparable properties average fewer than .06 school age children per unit, which would yield 10-14 school age children at the proposed community.
- In similar projects (4-story, interior corridor) in the market, the number of school-aged children is further reduced.
- December 2019 (pre-pandemic levels) from applicable schools:
 - Laurel Park Elementary School had a capacity of 854 students and an enrollment of 888 students—operating at 104% of capacity
 - Salem Middle School had a capacity of 1,274 students and an enrollment of 1,027 students—operating at 80% of capacity.
 - Apex High School had a capacity of 2,222 students and an enrollment of 2,158 students—operating at 97% of capacity.
 - None of these three schools are subject to enrollment caps.
- **Wake County Public School System has reviewed the proposed rezoning application through the Wake County Residential Development Notification Database and has confirmed that schools at all grade levels with the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.**

Concern #6: Pedestrian Safety

As part of the general traffic concern, residents expressed concerns around pedestrian safety resulting from the increased traffic—particularly due to the railroad track and nearby elementary school.

Response/Proposed Mitigation:

- Currently, sidewalks exist along the western side of Laura Duncan and along the north side of North Salem Street.
- During construction of the residential development, the developer shall ensure that a safe, paved pedestrian route shall be maintained from Linville Ridge Subdivision to Laurel Park Elementary School.
- A 10' side path will be added along the eastern side of Laura Duncan to connect with Town of Cary's side path.
- At the time of the development of the residential parcels, additional sidewalks (5'), ADA ramps and crosswalks will be added along the street frontage of all residential parcels to enhance pedestrian connectivity around the development. A sidewalk along the south side of North Salem Street will be constructed from the intersection of Laura Duncan Road westward to the proposed bus stop located on the south side of North Salem Street. If permission is not granted by CSX Railroad, installation of this sidewalk will not be a condition of this rezoning.
- Prior to non-residential final plat, a sidewalk will be constructed along the property frontage of Lots 5 and 6, continuing eastward to the proposed bus stop located on the south side of North Salem Street.
- At the intersection of Laura Duncan Road and North Salem Street, applicant shall install remaining 2 legs of the crosswalk with construction of the residential parcels. Additional crosswalks shall only be constructed if permitted by CSX Railroad, NCDOT and Town of Cary. Applicant recognizes that access to bus stop south of North Salem Street is critical and willing to install only one leg if both are not approved by governing parties.
- TIA analysis shows that By-Right development of the site would generate a higher traffic count and therefore greater potential impact on pedestrian safety.
- Site will be designed and constructed in full compliance with the traffic impact analysis, the Town of Apex and NCDOT's review and requirements.

Concern #7: Preservation of Existing Field and Open Space

The neighboring community has grown accustomed to and enjoys the open field condition of the site currently.

Response/Proposed Mitigation:

- Proposed site plan will dedicate 0.7 acres at the northwest corner of the site (Parcel 1) solely as greenspace. This will be used to count towards the RCA requirement as well as to provide a buffer between the neighboring property.
- 1.17 acres will also be dedicated RCA within the non-residential parcels (Parcel 5). The subject properties have been zoned for development since 1986, in one of the fastest growing MSAs in America—development of these properties, By-Right or otherwise, is unavoidable.

APPENDIX

REVISIONS

PROGRESS DRAWING
DO NOT USE FOR
CONSTRUCTION

CASTLE DEVELOPMENT PARTNERS

APEX, NORTH CAROLINA

NORTH SALEM STATION

MARCH 2022

PROJECT DATA TABLE:

NAME OF PROJECT: NORTH SALEM STATION	
PREPARED BY:	THE WOOTEN COMPANY 919-828-0531 120 N BOYLAN AVE RALEIGH, NC
OWNER:	OLD APEX ASSOCIATES LP 230 COURT SQUARE SUITE 202 CHARLOTTEVILLE, VA 22902
PURCHASER:	CASTLE DEVELOPMENT PARTNERS 230 COURT SQUARE, SUITE 202 CHARLOTTEVILLE, VA 22902
CURRENT 2045 LAND USE:	HIGH DENSITY RESIDENTIAL
PROPOSED 2045 LAND USE:	HIGH DENSITY RESIDENTIAL
AREA OF TRACT(S):	10.39 AC
AREA DESIGNATED AS MIXED USE OF 2045 LUM:	0 SF/0%
AREA OF MIXED USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT:	0 SF
PERCENT OF MIXED USE AREA PROPOSED AS NON-RESIDENTIAL DEVELOPMENT:	0%
EXISTING AND PROPOSED GROSS SQUARE FOOTAGE OF BUILDINGS:	EX: 0 SF
PROPOSED GROSS SQUARE FOOTAGE BY FLOOR AREA:	MULTIFAMILY: APPROX. 275,000 SF (TOTAL, 4 STORIES) COMMERCIAL/OFFICE: APPROX. 10,000 SF (TOTAL)
PROPOSED HEIGHT OF THE BUILDING AND NUMBER OF STORIES:	60' & MAX OF 4 STORIES (RESIDENTIAL) 40' & MAX OF 2 STORIES (NON-RESIDENTIAL)
MAXIMUM OVERALL GROSS DENSITY:	23 UNITS/ACRE
NUMBER OF PARKING SPACES REQUIRED:	MAXIMUM 1.6 SPACES PER UNIT (239 UNITS) = 382 MINIMUM 1.3 SPACES PER UNIT (239 UNITS) = 311
REQUIRED FRONT, SIDE, AND REAR YARD SETBACKS:	SEE SETBACKS TABLE
PRIMARY OR SECONDARY WATERSHED PROTECTION OVERLAY DISTRICT:	PRIMARY & SECONDARY
INDICATE IF THE SITE CONTAINS A HISTORIC STRUCTURE:	NO
RECOMMENDATION FROM THE PARKS AND RECREATION ADVISORY BOARD:	FEE IN LIEU W/ REDUCTION OF FEE FOR CONSTRUCTION OF 10' SIDE PATH



SETBACK TABLE:

PARCEL #1: NONE (RCA)	PARCEL #4: REAR (N) - 10' SIDE (E) - 50' SIDE (W) - 10' FRONT (S) - 50'
PARCEL #2: REAR (N) - 5' SIDE (E) - 20' SIDE (W) - 0' FRONT (S) - 10'	PARCEL #5: NONE (RCA)
PARCEL #3: REAR (E) - 60' SIDE (N) - 5' SIDE (S) - 50' FRONT (W) - 50' & 20'	PARCEL #6: REAR (S) - 10' SIDE (E/W) - 10' FRONT (N) - 10'

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VICINITY MAP
1" = 300'

Wooten
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License Number : F-0115

DYNAMIK
DESIGN

RKA
RAMEY KEMP ASSOCIATES

SHEET INDEX

C-0.01	COVER SHEET
C-1.00	EXISTING CONDITIONS SHEET
C-1.01	LAYOUT SHEET



PROJECT AREA MAP
1" = 200'

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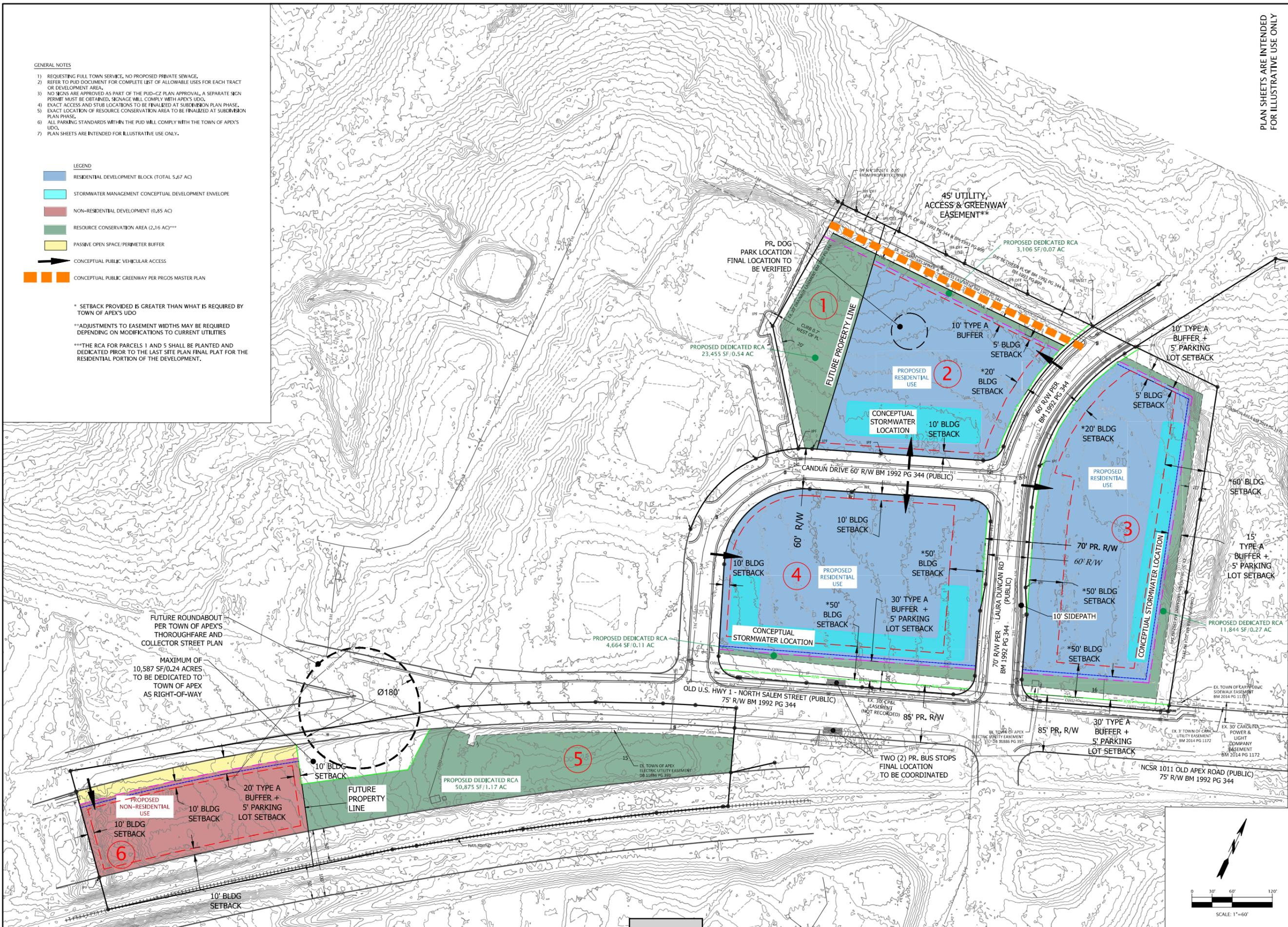
- GENERAL NOTES**
- 1) REQUESTING FULL TOWN SERVICE, NO PROPOSED PRIVATE SEWAGE.
 - 2) REFER TO PUD DOCUMENT FOR COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA.
 - 3) NO SIGNS ARE APPROVED AS PART OF THE PUD-CZ PLAN APPROVAL, A SEPARATE SIGN PERMIT MUST BE OBTAINED, SIGNAGE WILL COMPLY WITH APEX'S UDO.
 - 4) EXACT ACCESS AND STUB LOCATIONS TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
 - 5) EXACT LOCATION OF RESOURCE CONSERVATION AREA TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
 - 6) ALL PARKING STANDARDS WITHIN THE PUD WILL COMPLY WITH THE TOWN OF APEX'S UDO.
 - 7) PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

- LEGEND**
- RESIDENTIAL DEVELOPMENT BLOCK (TOTAL 5.67 AC)
 - STORMWATER MANAGEMENT CONCEPTUAL DEVELOPMENT ENVELOPE
 - NON-RESIDENTIAL DEVELOPMENT (0.85 AC)
 - RESOURCE CONSERVATION AREA (2.16 AC)**
 - PASSIVE OPEN SPACE/PERIMETER BUFFER
 - CONCEPTUAL PUBLIC VEHICULAR ACCESS
 - CONCEPTUAL PUBLIC GREENWAY PER PRCOS MASTER PLAN

* SETBACK PROVIDED IS GREATER THAN WHAT IS REQUIRED BY TOWN OF APEX'S UDO

**ADJUSTMENTS TO EASEMENT WIDTHS MAY BE REQUIRED DEPENDING ON MODIFICATIONS TO CURRENT UTILITIES

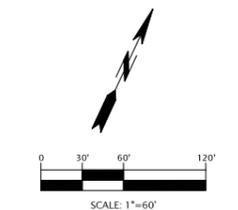
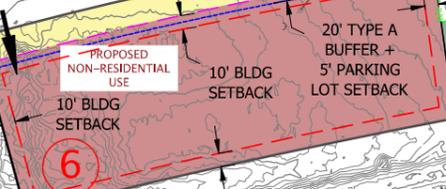
***THE RCA FOR PARCELS 1 AND 5 SHALL BE PLANTED AND DEDICATED PRIOR TO THE LAST SITE PLAN FINAL PLAT FOR THE RESIDENTIAL PORTION OF THE DEVELOPMENT.



FUTURE ROUNDABOUT PER TOWN OF APEX'S THOROUGHFARE AND COLLECTOR STREET PLAN

MAXIMUM OF 10,587 SF/0.24 ACRES TO BE DEDICATED TO TOWN OF APEX AS RIGHT-OF-WAY

Ø180'



PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

REVISIONS

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 License Number: F-0115

CASCADE DEVELOPMENT PARTNERS
 NORTH CAROLINA
 NORTH SALEM STATION
 LAYOUT SHEET

DESIGNED BY: AMW
 DRAWN BY: DAH
 CHECKED BY: AMW
 PROJECT NO.: 3376 - B
 DATE: NOV 2021
 SCALE: AS NOTED

C-1.01



- Page 547 -







Laura Duncan Road Development
Traffic Impact Analysis
Apex, North Carolina

TRAFFIC IMPACT ANALYSIS

FOR

LAURA DUNCAN ROAD DEVELOPMENT

LOCATED

IN

APEX, NC

Prepared For:
CASTLE DEVELOPMENT PARTNERS
230 Court Square, Suite 202
Charlottesville, VA

Prepared By:
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609
License #C-0910



RKA Project No. 21599

November 2021

Prepared By: AI

Reviewed By: MK

**TRAFFIC IMPACT ANALYSIS
LAURA DUNCAN ROAD DEVELOPMENT
APEX, NORTH CAROLINA**

EXECUTIVE SUMMARY

1. Development Overview

A Traffic Impact Analysis (TIA) was conducted for the proposed Laura Duncan Road Development in accordance with the Town of Apex (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located north of N. Salem Street / Old Apex Road, on both sides of Laura Duncan Road in Apex, North Carolina. The proposed development, anticipated to be completed in 2024, is assumed to consist of approximately 240 apartment units and a commercial outparcel south of the intersection of N. Salem Street and Salem Church Road. Based on a review of the commercial outparcel and the setback requirements from N. Salem Street and the CSX Rail Line, the commercial outparcel will realistically only have one (1) acre of developable land. The remaining ~1.5 acres will be dedicated as resource conservation area (RCA) or as right-of-way/land for the future roundabout at the intersection of N. Salem Street and Salem Church Road per the Town's Comprehensive Transportation Plan (CTP). It should be noted that the commercial outparcel land use(s) and intensity are unknown at this time. Therefore, 10,000 square feet of general retail space per acre of developable land [1 acre in total] was assumed for the commercial outparcel.

Access to the residential portion of the site is proposed via two (2) full movement access points along Laura Duncan Road and two (2) full movement access points along Candun Drive. Access to the commercial outparcel is proposed via one (1) full movement access point along N. Salem Street

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios to provide analysis with and without the commercial outparcel upon build-out of the proposed development:

- 2021 Existing Traffic Conditions

- 2024 No-Build Traffic Conditions
- 2024 Build Traffic Conditions – Scenario 1 [Residential]
- 2024 Build Traffic Conditions – Scenario 2 [Residential + Commercial]

2. Existing Traffic Conditions

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT), the Town of Apex (Town), and the Town of Cary and consists of the following existing intersections:

- N. Salem Street / Old Apex Road and Laura Duncan Road
- Laura Duncan Road and Candun Drive
- N. Salem Street and Candun Drive
- N. Salem Street and Salem Church Road
- Old Apex Road and Cary Parkway

Existing peak hour traffic volumes were determined based on traffic counts conducted at all of the study intersections listed above in September of 2021 by RKA during typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods except the intersection of Old Apex Road and Cary Parkway. Traffic counts at the intersection of Old Apex Road and Cary Parkway from the Town of Cary (21-TAR-460), previously collected in August of 2021, were utilized for analysis purposes. All COVID factor adjustment methodology from 21-TAR-460 was utilized for the existing peak hour traffic volumes at this intersection. Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate. This methodology was reviewed and approved by NCDOT and Town staff. Refer to Section 2.1 of this report for a more detailed explanation of the existing peak hour traffic volume development methodology.

3. Site Trip Generation

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the *ITE Trip Generation Manual*, 10th Edition. Tables E-1 and E-2 provide a summary of the trip generation potential for Scenario 1 and Scenario 2, respectively. It should be noted that Scenario 1 consists of 240 apartment units and Scenario 2 consists of 240 apartment units and the commercial outparcel.

Table E-1: Site Trip Generation - Scenario 1 [Residential]

LAND USE (ITE Code)	INTENSITY	DAILY TRIPS (VPD)	WEEKDAY AM PEAK HOUR (VPH)		WEEKDAY PM PEAK HOUR (VPH)	
			Enter	Exit	Enter	Exit
Multifamily Housing (Low-Rise) (220)	240 units	1,774	25	85	81	48

Table E-2: Site Trip Generation – Scenario 2 [Residential + Commercial]

LAND USE (ITE Code)	INTENSITY	DAILY TRIPS (VPD)	WEEKDAY AM PEAK HOUR (VPH)		WEEKDAY PM PEAK HOUR (VPH)	
			Enter	Exit	ENTER	EXIT
Multifamily Housing (Low-Rise) (220)	240 units	1,774	25	85	81	48
Retail (820)	10,000* SF	1,256	6^	3^	48	51
Total Trips		3,030	31	88	129	99
<i>Pass-By Trips: Retail (LUC 820) [0% AM, 34% PM]</i>			-0	-0	-17	-17
Total External Trips			31	88	112	82

*Since the commercial outparcel land use is unknown at this time, 10,000 SF of general retail space per acre of developable land [1 acre in total] was assumed for this land use.

^Rates were used instead of equations for generating AM peak hour trips

4. Future Traffic Conditions

Based on coordination with the NCDOT and the Town, it was determined there were no adjacent developments to consider with this study and it was determined there were no future roadway improvements to consider with this study.

5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for 2021 existing, 2024 no-build, 2024 build Scenario 1 [residential] and 2024 build Scenario 2 [residential + commercial] traffic conditions. Refer to Section 7 of the TIA for the capacity analysis summary performed at each study intersection.

6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

Recommended Improvements by Developer – Scenario 1 [Residential]

Laura Duncan Road and Candun Drive/Access A

- Construct the westbound approach with one ingress and one egress lane.
- Provide stop control for the westbound approach.

Laura Duncan Road and Access B

- Construct the eastbound approach with one ingress and one egress lane.
- Provide stop control for the eastbound approach.

Candun Drive and Access C

- Construct the northbound and southbound approaches with one ingress and one egress lane.
- Provide stop control for the northbound and southbound approaches.

Candun Drive and Access D

- Construct the westbound approach with one ingress and one egress lane.
- Provide stop control for the westbound approach.

Recommended Improvements by Developer – Scenario 2 [Residential + Commercial]

N. Salem Street

- Widen N. Salem Street to a three-lane cross-section providing a continuation of the existing two-way left-turn lane on either side of its intersection with Salem Church Road.

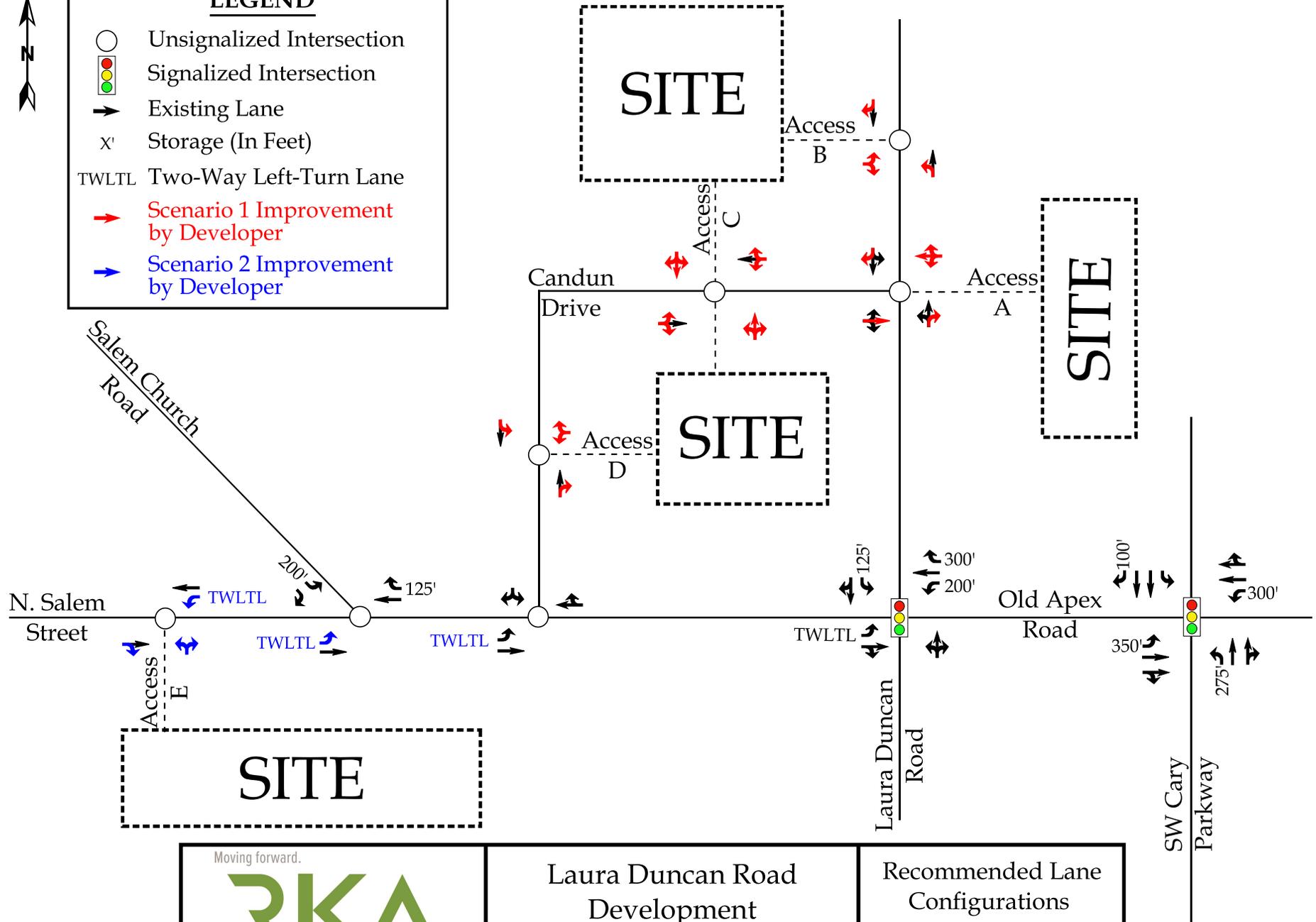
N. Salem Street and Access E

- Provide an exclusive westbound left-turn lane on N. Salem Street [two-way left-turn lane].
- Construct the northbound approach with one ingress and one egress lane.
- Provide stop control for the northbound approach.



LEGEND

-  Unsignalized Intersection
-  Signalized Intersection
-  Existing Lane
- x' Storage (In Feet)
- TWLTL Two-Way Left-Turn Lane
-  Scenario 1 Improvement by Developer
-  Scenario 2 Improvement by Developer



Moving forward.



RAMEY KEMP ASSOCIATES

Laura Duncan Road
Development
Apex, NC

Recommended Lane
Configurations

Scale: Not to Scale Figure E-1

TABLE OF CONTENTS

1. INTRODUCTION 1

1.1. Site Location and Study Area 2

1.2. Proposed Land Use and Site Access 2

1.3. Adjacent Land Uses 3

1.4. Existing Roadways 3

2. 2021 EXISTING PEAK HOUR CONDITIONS 7

2.1. 2021 Existing Peak Hour Traffic Volumes 7

2.2. Analysis of 2021 Existing Peak Hour Traffic Conditions 8

3. 2024 NO-BUILD PEAK HOUR CONDITIONS 10

3.1. Ambient Traffic Growth 10

3.2. Adjacent Development Traffic 10

3.3. Future Roadway Improvements 10

3.4. 2024 No-Build Peak Hour Traffic Volumes 10

3.5. Analysis of 2024 No-Build Peak Hour Traffic Conditions 10

4. SITE TRIP GENERATION AND DISTRIBUTION 12

4.1. Trip Generation 12

4.2. Site Trip Distribution and Assignment 14

5. 2024 BUILD TRAFFIC CONDITIONS 23

5.1. 2024 Build Peak Hour Traffic Volumes 23

5.2. Analysis of 2024 Build Peak Hour Traffic Conditions 23

6. TRAFFIC ANALYSIS PROCEDURE 26

6.1. Adjustments to Analysis Guidelines 26

7. CAPACITY ANALYSIS 28

7.1. N. Salem Street/Old Apex Road and Laura Duncan Road 28

7.2. Laura Duncan Road and Candun Drive/Access A 30

7.3. N. Salem Street and Candun Drive 32

7.4. N. Salem Street and Salem Church Road 33

7.5. Old Apex Road and Cary Parkway 35

7.6. Laura Duncan Road and Access B 36



7.7. Candun Drive and Access C 37

7.8. Candun Drive and Access D 38

7.9. N. Salem Street and Access E 39

8. CONCLUSIONS 40

9. RECOMMENDATIONS..... 44

LIST OF FIGURES

Figure 1 – Site Location Map 4

Figure 2 – Preliminary Site Plan..... 5

Figure 3 – Existing Lane Configurations 6

Figure 4 – 2021 Existing Peak Hour Traffic..... 9

Figure 5 – 2024 No-Build Peak Hour Traffic.....11

Figure 6 – Residential Site Trip Distribution16

Figure 7 – Commercial Site Trip Distribution17

Figure 8 – Residential Site Trip Assignment18

Figure 9 – Commercial Site Trip Assignment19

Figure 10 – Pass-By Site Trip Distribution20

Figure 11 – Pass-by Site Trip Assignment21

Figure 12 – Total Site Trip Assignment (Scenario 2).....22

Figure 13 – 2024 Build Peak Hour Traffic (Scenario 1)24

Figure 14 – 2024 Build Peak Hour Traffic (Scenario 2)25

Figure 15 – Recommended Lane Configurations46

LIST OF TABLES

Table 1: Existing Roadway Inventory 3

Table 2: Trip Generation Summary – Scenario 1 [Residential]12

Table 3: Trip Generation Summary – Scenario 2 [Residential + Commercial]13

Table 4: Highway Capacity Manual – Levels-of-Service and Delay26

Table 5: Analysis Summary of N. Salem Street/Old Apex Road and Laura Duncan Road28

Table 6: Analysis Summary of Laura Duncan Road and Candun Drive/Access A..30

Table 7: Analysis Summary of N. Salem Street and Candun Drive.....32

Table 8: Analysis Summary of N. Salem Street and Salem Church Road33

Table 9: Analysis Summary of Old Apex Road and Cary Parkway35

Table 10: Analysis Summary of Laura Duncan Road and Access B.....36

Table 11: Analysis Summary of Candun Drive and Access C.....37

Table 12: Analysis Summary of Candun Drive and Access D.....38

Table 13: Analysis Summary of N. Salem Street and Access E.....39

TECHNICAL APPENDIX

Appendix A: Approved Memorandum of Understanding

Appendix B: Traffic Counts

Appendix C: Signal Plans

Appendix D: Capacity Calculations – N. Salem Street/Old Apex Road and Laura Duncan Road

Appendix E: Capacity Calculations – Laura Duncan Road and Candun Drive/Access A

Appendix F: Capacity Calculations – N. Salem Street and Candun Drive

Appendix G: Capacity Calculations – N. Salem Street and Salem Church Road

Appendix H: Capacity Calculations – Old Apex Road and Cary Parkway

Appendix I: Capacity Calculations – Laura Duncan Road and Access B

Appendix J: Capacity Calculations – Candun Drive and Access C

Appendix K: Capacity Calculations – Candun Drive and Access D

Appendix L: Capacity Calculations – N. Salem Street and Access E

Appendix M: Turn Lane Warrants

TRAFFIC IMPACT ANALYSIS
LAURA DUNCAN ROAD DEVELOPMENT
APEX, NORTH CAROLINA

1. INTRODUCTION

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Laura Duncan Road Development to be located north of N. Salem Street / Old Apex Road, on both sides of Laura Duncan Road in Apex, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed in 2024, is assumed to consist of approximately 240 apartment units and a commercial outparcel south of the intersection of N. Salem Street and Salem Church Road. Based on a review of the commercial outparcel and the setback requirements from N. Salem Street and the CSX Rail Line, the commercial outparcel will realistically only have one (1) acre of developable land. The remaining ~1.5 acres will be dedicated as resource conservation area (RCA) or as right-of-way/land for the future roundabout at the intersection of N. Salem Street and Salem Church Road per the Town's Comprehensive Transportation Plan (CTP). It should be noted that the commercial outparcel land use(s) and intensity are unknown at this time. Therefore, 10,000 square feet of general retail space per acre of developable land [1 acre in total] was assumed for the commercial outparcel.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios to provide analysis with and without the commercial outparcel upon build-out of the proposed development:

- 2021 Existing Traffic Conditions
- 2024 No-Build Traffic Conditions
- 2024 Build Traffic Conditions - Scenario 1 [Residential]
- 2024 Build Traffic Conditions - Scenario 2 [Residential + Commercial]

1.1. Site Location and Study Area

The proposed development is located north of N. Salem Street / Old Apex Road, on both sides of Laura Duncan Road in Apex, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT), the Town of Apex (Town), and the Town of Cary and consists of the following existing intersections:

- N. Salem Street / Old Apex Road and Laura Duncan Road
- Laura Duncan Road and Candun Drive
- N. Salem Street and Candun Drive
- N. Salem Street and Salem Church Road
- Old Apex Road and Cary Parkway

Refer to Appendix A for the approved memorandum of understanding.

1.2. Proposed Land Use and Site Access

The site is located north of N. Salem Street / Old Apex Road, on both sides of Laura Duncan Road. The proposed development, anticipated to be completed in 2024, is assumed to consist of approximately 240 apartment units and a commercial outparcel south of the intersection of N. Salem Street and Salem Church Road. It should be noted that the commercial outparcel land use(s) and intensity are unknown at this time. Therefore, 10,000 square feet of general retail space per acre of developable land [1 acre in total] was assumed for the commercial outparcel.

Access to the residential portion of the site is proposed via two (2) full movement access points along Laura Duncan Road and two (2) full movement access points along Candun Drive. Access to the commercial outparcel is proposed via one (1) full movement access point along N. Salem Street. Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of undeveloped land and residential development. The Laurel Park Elementary School is located east of Laura Duncan Road and south of Old Apex Road. The CSX Railroad runs parallel to N. Salem Street/Old Apex Road and crosses Laura Duncan Road just south of its intersection with N. Salem Street/Old Apex Road within the study area.

1.4. Existing Roadways

Existing lane configurations (number of traffic lanes on each intersection approach), lane widths, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1 provides a summary of this information, as well.

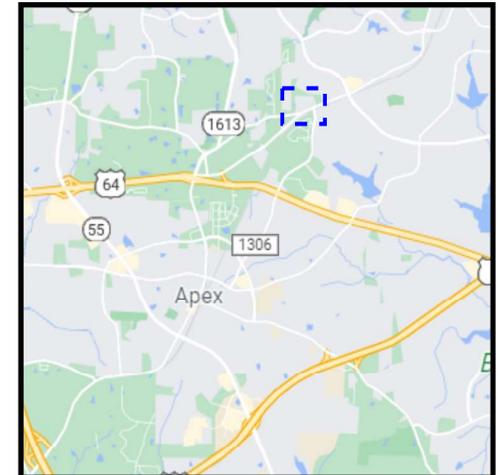
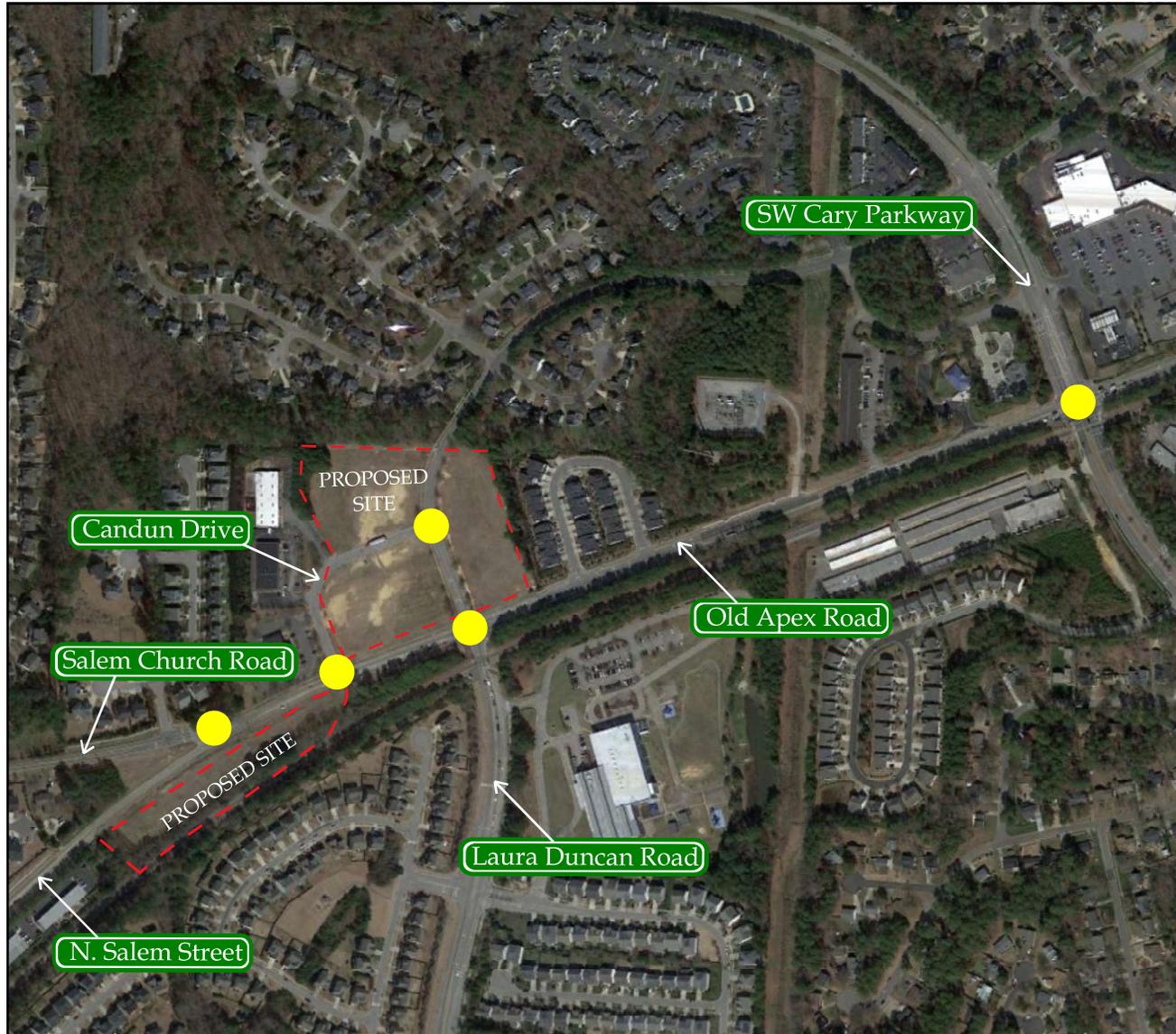
Table 1: Existing Roadway Inventory

ROAD NAME	ROUTE NUMBER	TYPICAL CROSS SECTION	SPEED LIMIT	MAINTAINED BY	2019 AADT (VPD)
N. Salem Street	SR 1011	2-lane undivided	45 mph	NCDOT	10,000
Old Apex Road	SR 1011	3-lane undivided	45 mph	NCDOT	15,000
Laura Duncan Road	SR 1308	2-lane undivided	45 mph	NCDOT	11,000 ¹ / 1,920 ^{*2}
Candun Drive	N/A	2-lane undivided	25 mph	Local	360*
Salem Church Road	SR 1614	2-lane undivided	35 mph	NCDOT	3,000
Cary Parkway	SR 3977	4-lane Divided	45 mph	NCDOT	25,000

1. Laura Duncan Road AADT south of N. Salem Street

2. Laura Duncan Road AADT north of N. Salem Street

*ADT based on the traffic counts from 2021 and assuming the weekday PM peak hour volume is 10% of the average daily traffic.



LEGEND

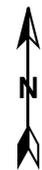
- - - Proposed Site Location
- Study Intersection
- - - Study Area



Laura Duncan Road
Development
Apex, NC

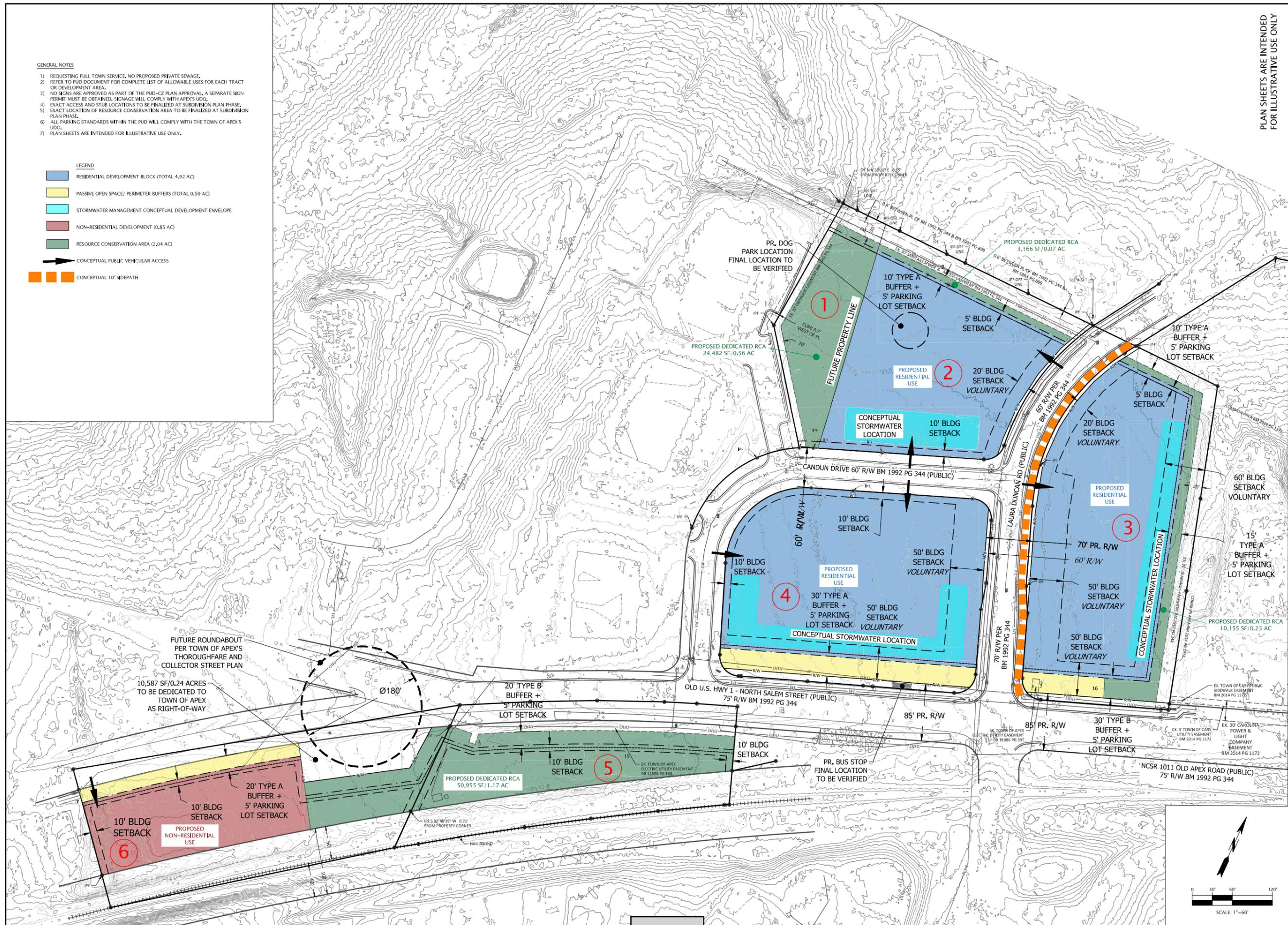
Site Location Map

Scale: Not to Scale | Figure 1



- GENERAL NOTES**
- 1) REQUESTING FULL TOWN SERVICE, NO PROPOSED PRIVATE SEWAGE.
 - 2) REFER TO PUD DOCUMENT FOR COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA.
 - 3) NO SIGNS ARE APPROVED AS PART OF THE PUD-CZ PLAN APPROVAL, A SEPARATE SIGN PERMIT MUST BE OBTAINED, SIGNAGE WILL COMPLY WITH APEX'S UDO.
 - 4) EXACT ACCESS AND STUB LOCATIONS TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
 - 5) EXACT LOCATION OF RESOURCE CONSERVATION AREA TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
 - 6) ALL PARKING STANDARDS WITHIN THE PUD WILL COMPLY WITH THE TOWN OF APEX'S UDO.
 - 7) PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

- LEGEND**
- RESIDENTIAL DEVELOPMENT BLOCK (TOTAL 4.92 AC)
 - PASSIVE OPEN SPACE/ PERIMETER BUFFERS (TOTAL 0.50 AC)
 - STORMWATER MANAGEMENT CONCEPTUAL DEVELOPMENT ENVELOPE
 - NON-RESIDENTIAL DEVELOPMENT (0.85 AC)
 - RESOURCE CONSERVATION AREA (2.04 AC)
 - CONCEPTUAL PUBLIC VEHICULAR ACCESS
 - CONCEPTUAL 10' SIDEPAH



PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

REVISIONS

wooten
 120 North Boylan Avenue • Raleigh, NC 27603-1423
 (919) 828-631 • thewootencompany.com
 License Number: F-0115

NORTH CAROLINA

CASTLE DEVELOPMENT PARTNERS

APEX

NORTH SALEM STATION

LAYOUT SHEET

DESIGNED BY: AMW
 DRAWN BY: DAH
 CHECKED BY: AMW
 PROJECT NO.: 3376 - B
 DATE: NOV 2021
 SCALE: AS NOTED

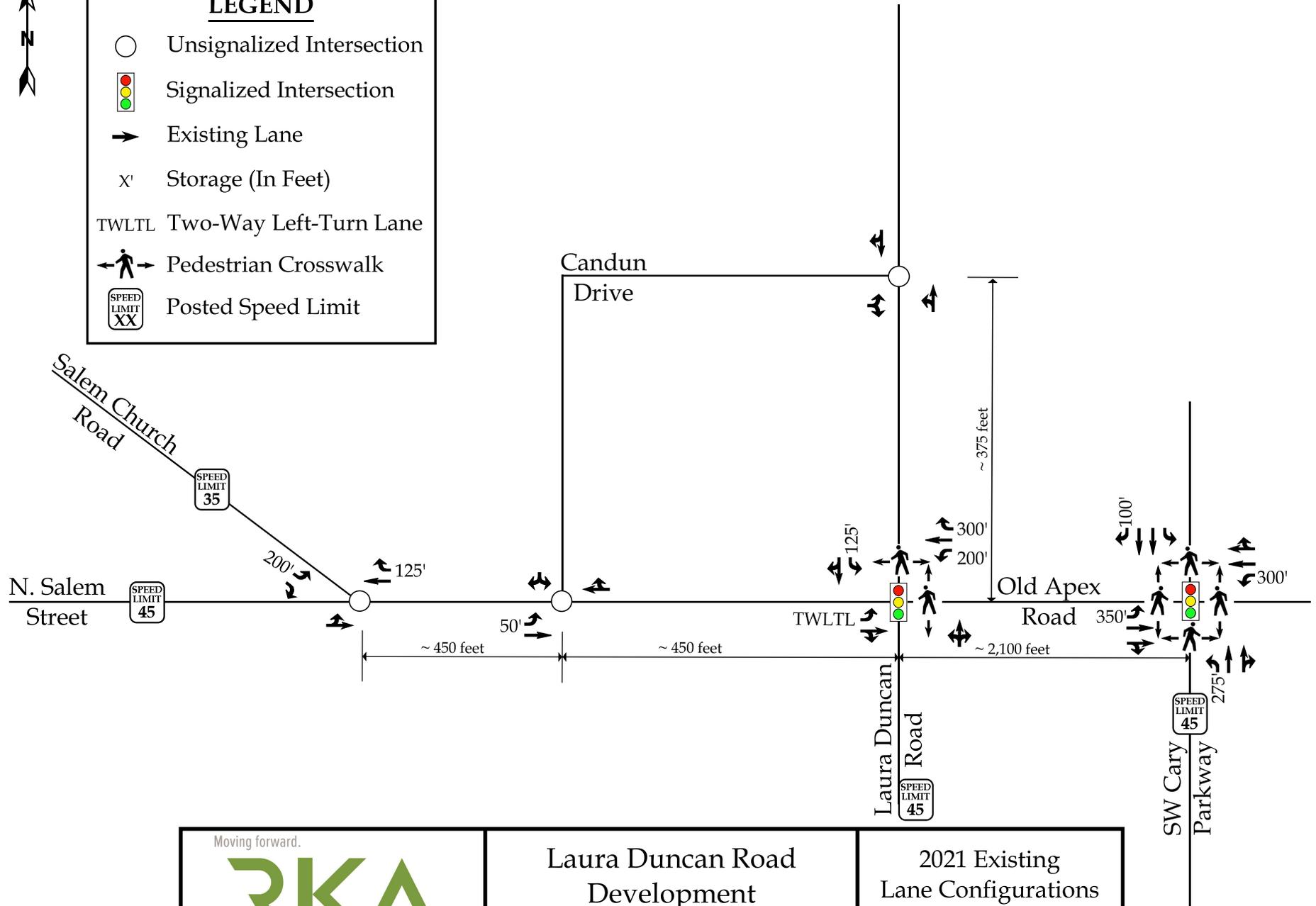
0 30' 60' 120'
 1" = 60'
 IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE

C-1.01



LEGEND

- Unsignalized Intersection
- ⬆️⬇️⬆️ Signalized Intersection
- ➔ Existing Lane
- x' Storage (In Feet)
- TWLTL Two-Way Left-Turn Lane
- ➔➔ Pedestrian Crosswalk
- ⓈPEED LIMIT XX Posted Speed Limit



Moving forward.

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Laura Duncan Road
Development
Apex, NC

2021 Existing
Lane Configurations

Scale: Not to Scale | Figure 3

2. 2021 EXISTING PEAK HOUR CONDITIONS

2.1. 2021 Existing Peak Hour Traffic Volumes

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in September of 2021 by Burns Service, Inc. during typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods:

- N. Salem Street / Old Apex Road and Laura Duncan Road
- Laura Duncan Road and Candun Drive
- N. Salem Street and Candun Drive
- N. Salem Street and Salem Church Road

Traffic counts at the intersection of Old Apex Road and Cary Parkway from the Town of Cary (21-TAR-460) were utilized for analysis purposes. All COVID factor adjustment methodology from 21-TAR-460 was utilized for the existing peak hour traffic volumes at this intersection. Traffic counts were collected in August of 2021 while schools were not in session and during the effects of the COVID-19 pandemic. Traffic counts from May of 2019 at this intersection were available from the Town of Cary which were collected when schools were in session. Based on a comparison of grown 2021 counts (May 2019 counts grown to 2021 using a 1% growth rate) and the August 2021 counts, adjustment factors of 1.25 and 1.33 were calculated and applied [to the August 2021 traffic counts] to determine the new weekday AM and PM peak hour traffic volumes, respectively. This methodology was reviewed and approved by NCDOT and Town staff.

Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate. Additionally, it was confirmed that schools within the vicinity of the proposed development were in session and operating under typical operations at the time traffic counts were conducted with one exception at the intersection of Old Apex Road and Cary Parkway noted above. Refer to Figure 4 for 2021 existing weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

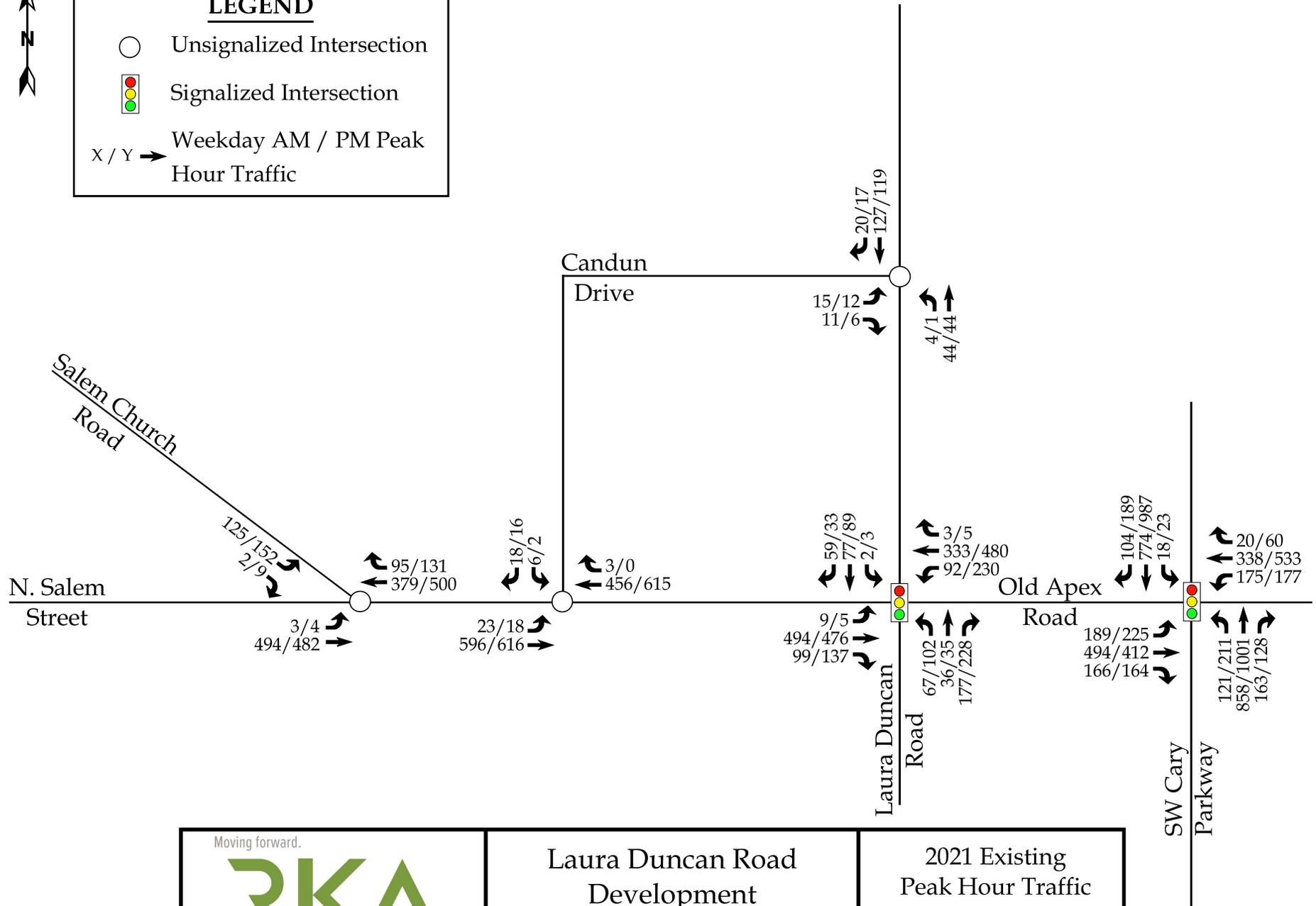
2.2. Analysis of 2021 Existing Peak Hour Traffic Conditions

The 2021 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. Signal information was obtained from NCDOT and the Town of Cary and is included in Appendix C. The results of the analysis are presented in Section 7 of this report.



LEGEND

- Unsignalized Intersection
- 🚦 Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



Moving forward.
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Laura Duncan Road
Development
Apex, NC

2021 Existing
Peak Hour Traffic
Scale: Not to Scale | Figure 4

3. 2024 NO-BUILD PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to generate 2024 projected weekday AM and PM peak hour traffic volumes.

3.2. Adjacent Development Traffic

Based on coordination with the NCDOT and the Town, it was determined there were no adjacent developments to consider with this study.

3.3. Future Roadway Improvements

Based on coordination with the NCDOT and the Town, it was determined there were no future roadway improvements to consider with this study.

3.4. 2024 No-Build Peak Hour Traffic Volumes

The 2024 no-build traffic volumes were determined by projecting the 2021 existing peak hour traffic to the year 2024. Refer to Figure 5 for an illustration of the 2024 no-build peak hour traffic volumes at the study intersections.

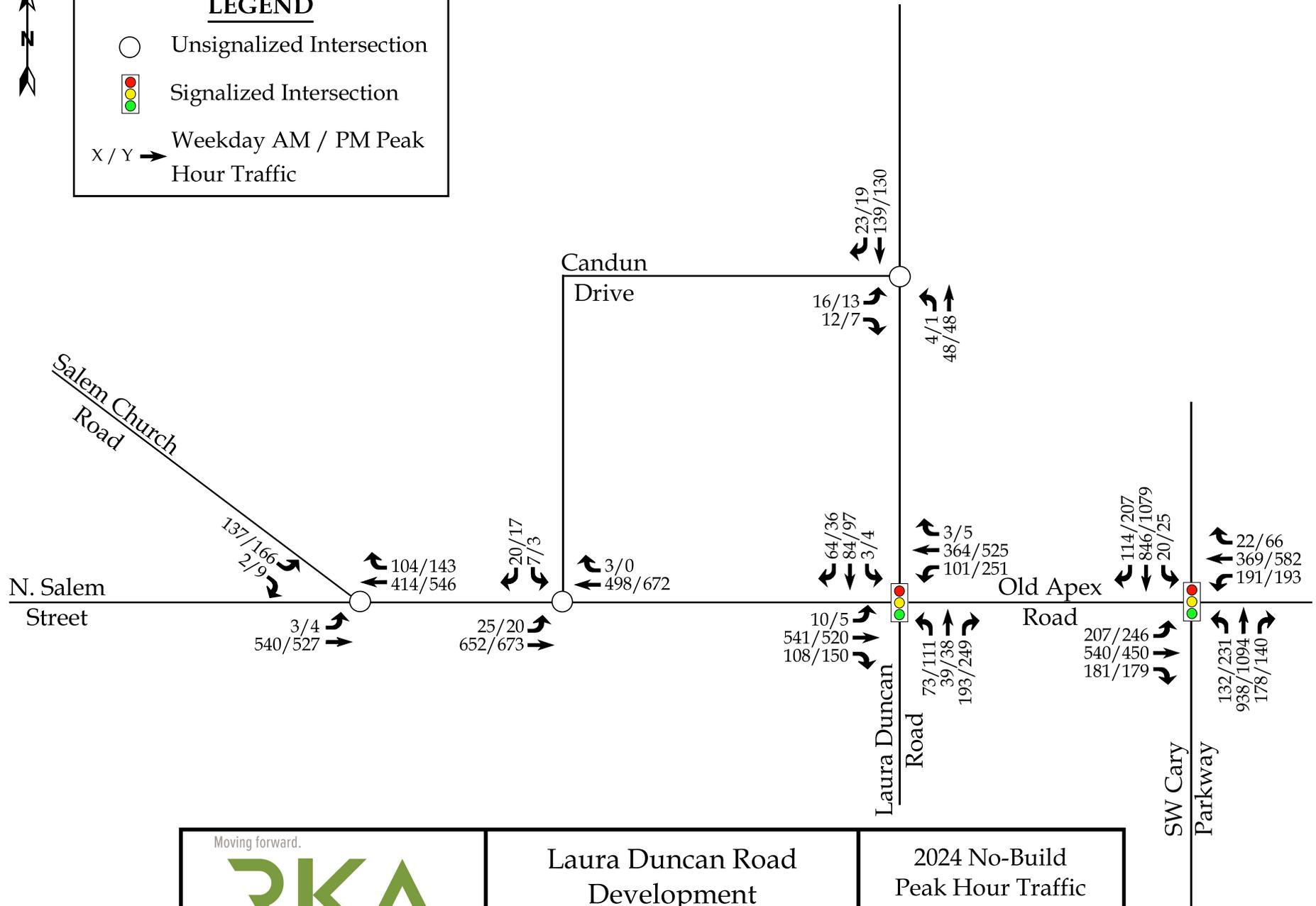
3.5. Analysis of 2024 No-Build Peak Hour Traffic Conditions

The 2024 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with existing geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.



LEGEND

- Unsignalized Intersection
- 🚦 Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



Moving forward.

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Laura Duncan Road
Development
Apex, NC

2024 No-Build
Peak Hour Traffic

Scale: Not to Scale | Figure 5

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

The proposed development is assumed to consist of 240 apartment units and a commercial outparcel. It should be noted that the commercial outparcel land use(s) and intensity are unknown at this time. Therefore, 10,000 square feet of general retail space per acre of developable land [1 acre in total] was assumed for the commercial outparcel. Due to the uncertainty of the commercial outparcel, analysis was provided for two (2) scenarios with and without the commercial outparcel upon build-out of the proposed development: Scenario 1 (Residential) and Scenario 2 (Residential + Commercial).

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Tables 2 and 3 provide a summary of the trip generation potential for Scenario 1 and Scenario 2, respectively. It should be noted that Scenario 1 consists of 240 apartment units and Scenario 2 consists of 240 apartment units and the commercial outparcel.

Table 2: Trip Generation Summary – Scenario 1 [Residential]

LAND USE (ITE CODE)	INTENSITY	DAILY TRAFFIC (VPD)	AM PEAK HOUR TRIPS (VPH)		PM PEAK HOUR TRIPS (VPH)	
			ENTER	EXIT	ENTER	EXIT
Multifamily Housing (Low-Rise) (220)	240 units	1,774	25	85	81	48

For Scenario 1 [Residential], it is estimated that the proposed development will generate approximately 1,774 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 110 trips (25 entering and 85 exiting) will occur during the weekday AM peak hour and 129 trips (81 entering and 48 exiting) will occur during the weekday PM peak hour.

Table 3: Trip Generation Summary – Scenario 2 [Residential + Commercial]

LAND USE (ITE CODE)	INTENSITY	DAILY TRAFFIC (VPD)	AM PEAK HOUR TRIPS (VPH)		PM PEAK HOUR TRIPS (VPH)	
			ENTER	EXIT	ENTER	EXIT
Multifamily Housing (Low-Rise) (220)	240 units	1,774	25	85	81	48
Retail (820)	10,000* SF	1,256	6^	3^	48	51
Total Trips		3,030	31	88	129	99
<i>Pass-By Trips: Retail (LUC 820) [0% AM, 34% PM]</i>			-0	-0	-17	-17
Total External Trips			31	88	112	82

*Since the commercial outparcel land use is unknown at this time, 10,000 SF of general retail space per acre of developable land [1 acre in total] was assumed for this land use.

^Rates were used instead of equations for generating AM peak hour trips

For Scenario 2 [Residential + Commercial], it is estimated that the proposed development will generate approximately 3,030 total site trips on the roadway network during a typical 24-hour weekday period. It is anticipated that 119 trips (31 entering and 88 exiting) will occur during the weekday AM peak hour and 228 trips (129 entering and 99 exiting) will occur during the weekday PM peak hour.

Internal capture of trips between the residential and commercial uses was not considered in this study. Internal capture is the consideration for trips that will be made within the site between different land uses, so the vehicle technically never leaves the internal site but can still be considered as a trip to that specific land use. However, since the commercial outparcel is not connected to the residential portion of the development, no internal capture was applied to provide for a conservative analysis.

Pass-by trips were also taken into consideration in this study. Pass-by trips are made by the traffic already using the adjacent roadway, entering the site as an intermediate stop on their way to another destination. Pass-by percentages are applied to site trips after adjustments for internal capture. Pass-by trips are expected to account for approximately 34 trips (17 entering

and 17 exiting) during the weekday PM peak hour. It should be noted that the pass-by trips were balanced, as it is likely that these trips would enter and exit in the same hour.

The total primary site trips are the calculated site trips after the reduction for pass-by trips. Primary site trips are expected to generate approximately 119 trips (31 entering and 88 exiting) during the weekday AM peak hour and 194 trips (112 entering and 94 exiting) during the weekday PM peak hour.

4.2. Site Trip Distribution and Assignment

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment.

It is estimated that the site trips will be regionally distributed as follows:

- 25% to/from the south via Laura Duncan Road
- 5% to/from the north via Laura Duncan Road
- 25% to/from the west via N. Salem Street
- 10% to/from the east via Old Apex Road
- 10% to/from the west via Salem Church Road
- 10% to/from the north via Cary Parkway
- 15% to/from the south via Cary Parkway

The residential site trip distribution is shown in Figure 6 and the commercial site trip distribution is shown in Figure 7. Refer to Figure 8 for the residential site trip assignment and Figure 9 for the commercial site trip assignment.

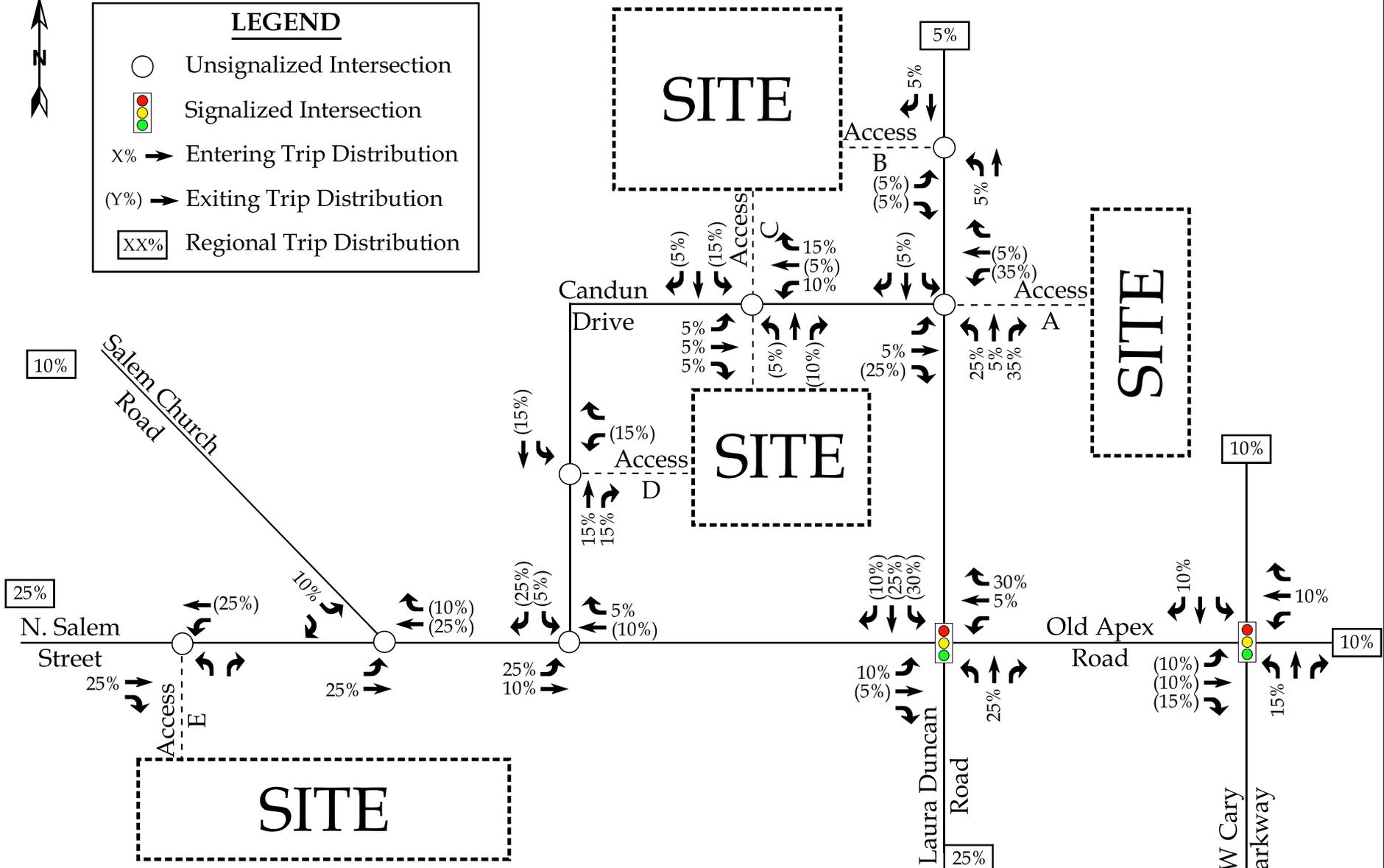
The pass-by site trips were distributed based on existing traffic patterns with consideration given to the proposed driveway access and site layout. Refer to Figure 10 for the pass-by site trip distribution. Pass-by site trips are shown in Figure 11.

The total site trips for Scenario 2 [Residential + Commercial] were determined by adding the residential site trips (Figure 8), commercial site trips (Figure 9), and the pass-by site trips (Figure 11). Refer to Figure 12 for the total peak hour site trips at the study intersections.



LEGEND

- Unsignalized Intersection
- ⬆️⬇️⬆️ Signalized Intersection
- x% → Entering Trip Distribution
- (Y%) → Exiting Trip Distribution
- XX% Regional Trip Distribution



Moving forward.
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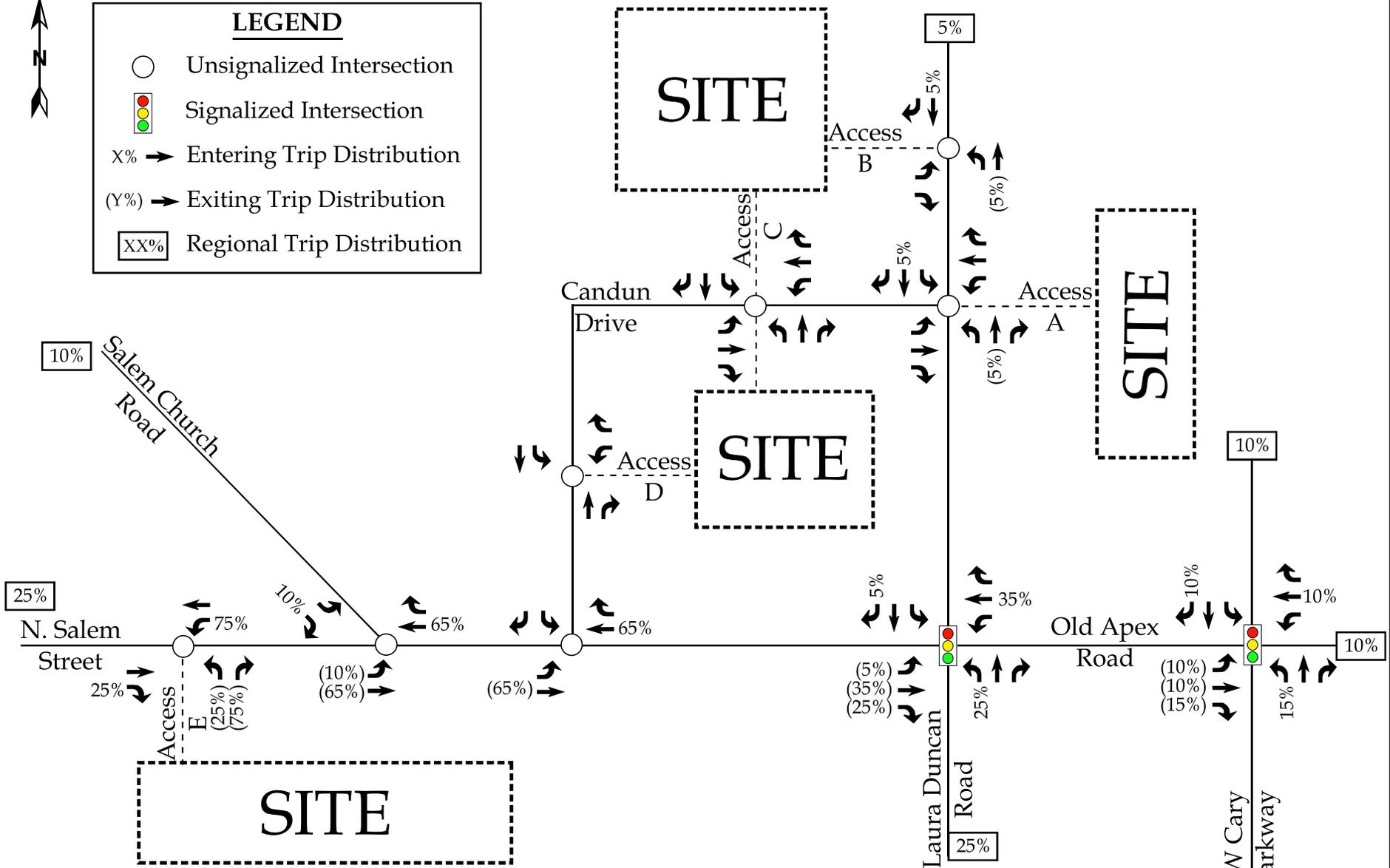
Laura Duncan Road
Development
Apex, NC

Residential
Site Trip Distribution
Scale: Not to Scale | Figure 6



LEGEND

- Unsignalized Intersection
- ⬆️⬇️⬆️ Signalized Intersection
- x% → Entering Trip Distribution
- (Y%) → Exiting Trip Distribution
- XX% Regional Trip Distribution



Moving forward.

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Laura Duncan Road
Development
Apex, NC

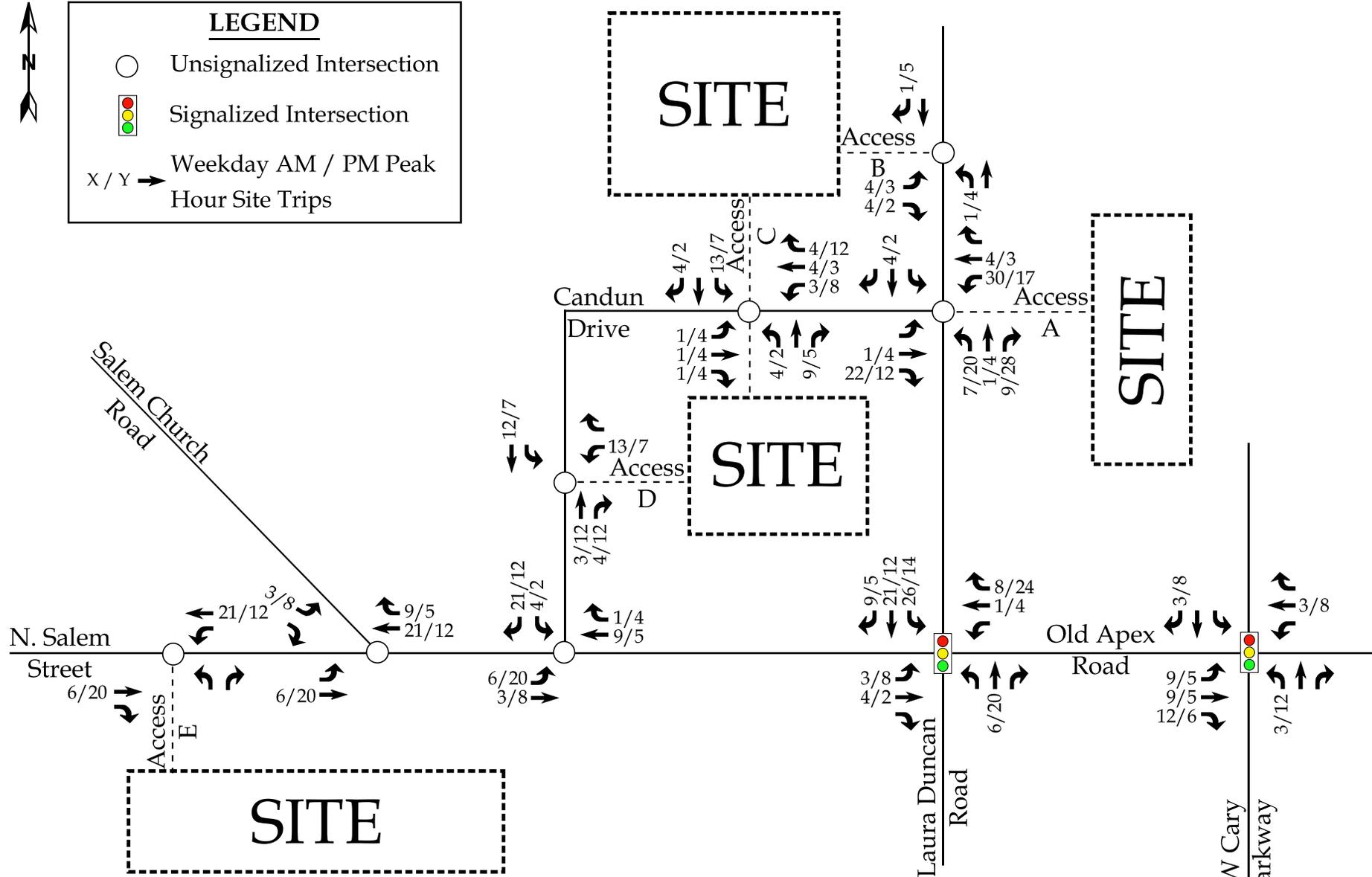
Commercial
Site Trip Distribution

Scale: Not to Scale | Figure 7



LEGEND

- Unsignalized Intersection
- ⬆️⬇️⬆️ Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Site Trips



Laura Duncan Road
Development
Apex, NC

Residential
Site Trip Assignment

Scale: Not to Scale | Figure 8

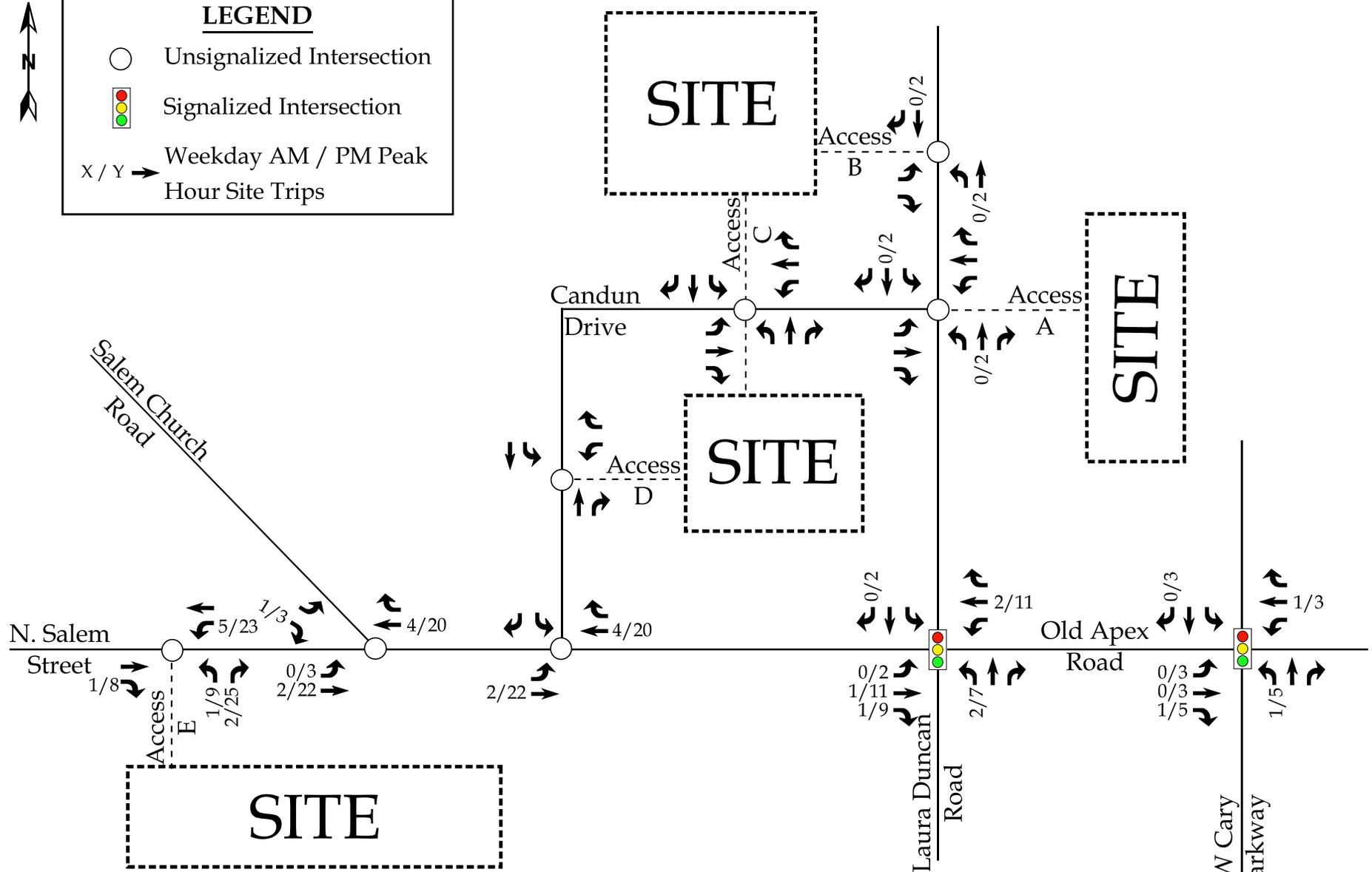


LEGEND

○ Unsignalized Intersection

⬆️⬆️⬆️ Signalized Intersection

x / y → Weekday AM / PM Peak Hour Site Trips



Laura Duncan Road
Development
Apex, NC

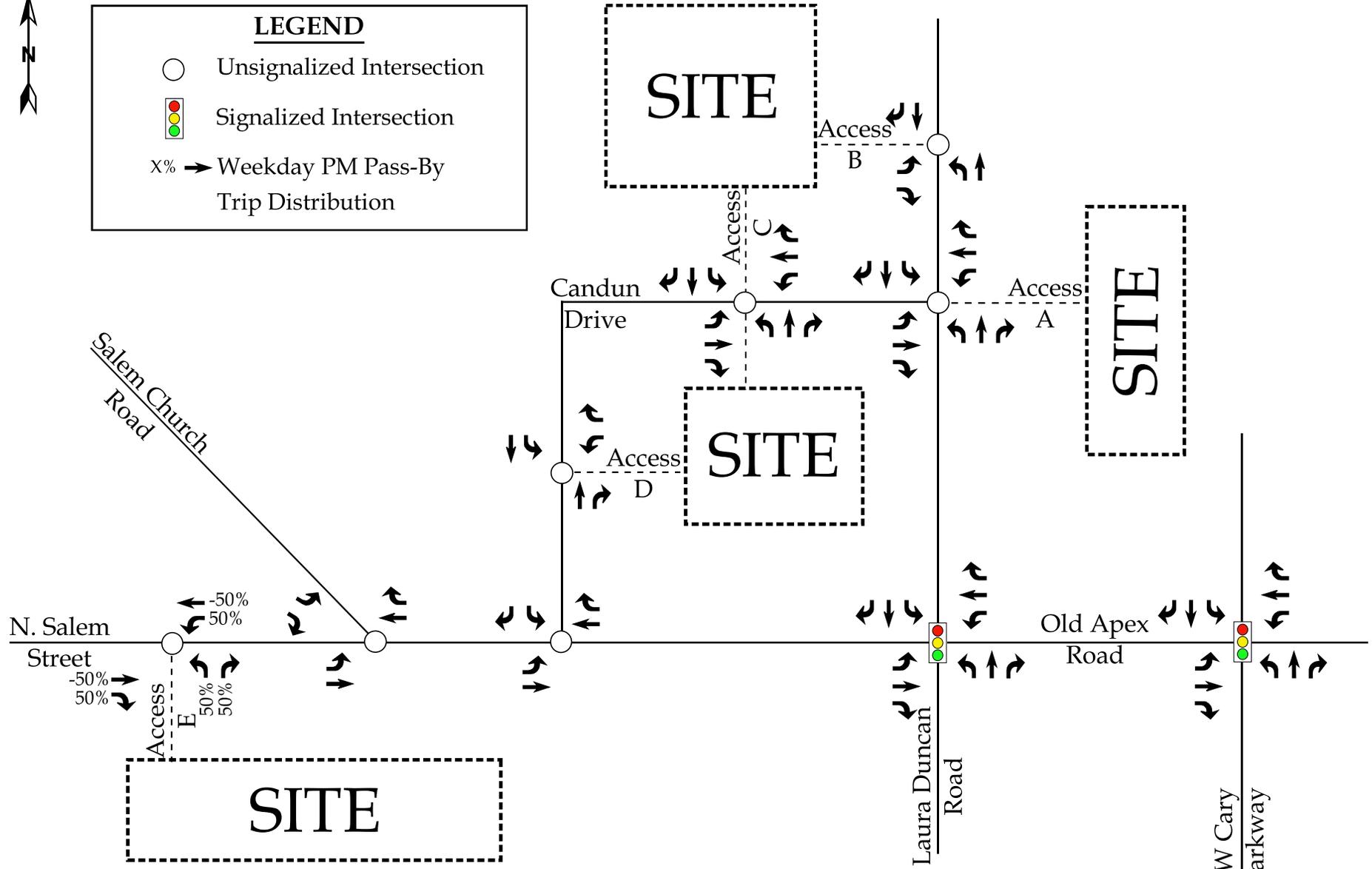
Commercial Site
Trip Assignment

Scale: Not to Scale | Figure 9



LEGEND

- Unsignalized Intersection
- 🚦 Signalized Intersection
- x% → Weekday PM Pass-By Trip Distribution



Moving forward.

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Laura Duncan Road
Development
Apex, NC

Pass-By
Site Trip Distribution

Scale: Not to Scale | Figure 10

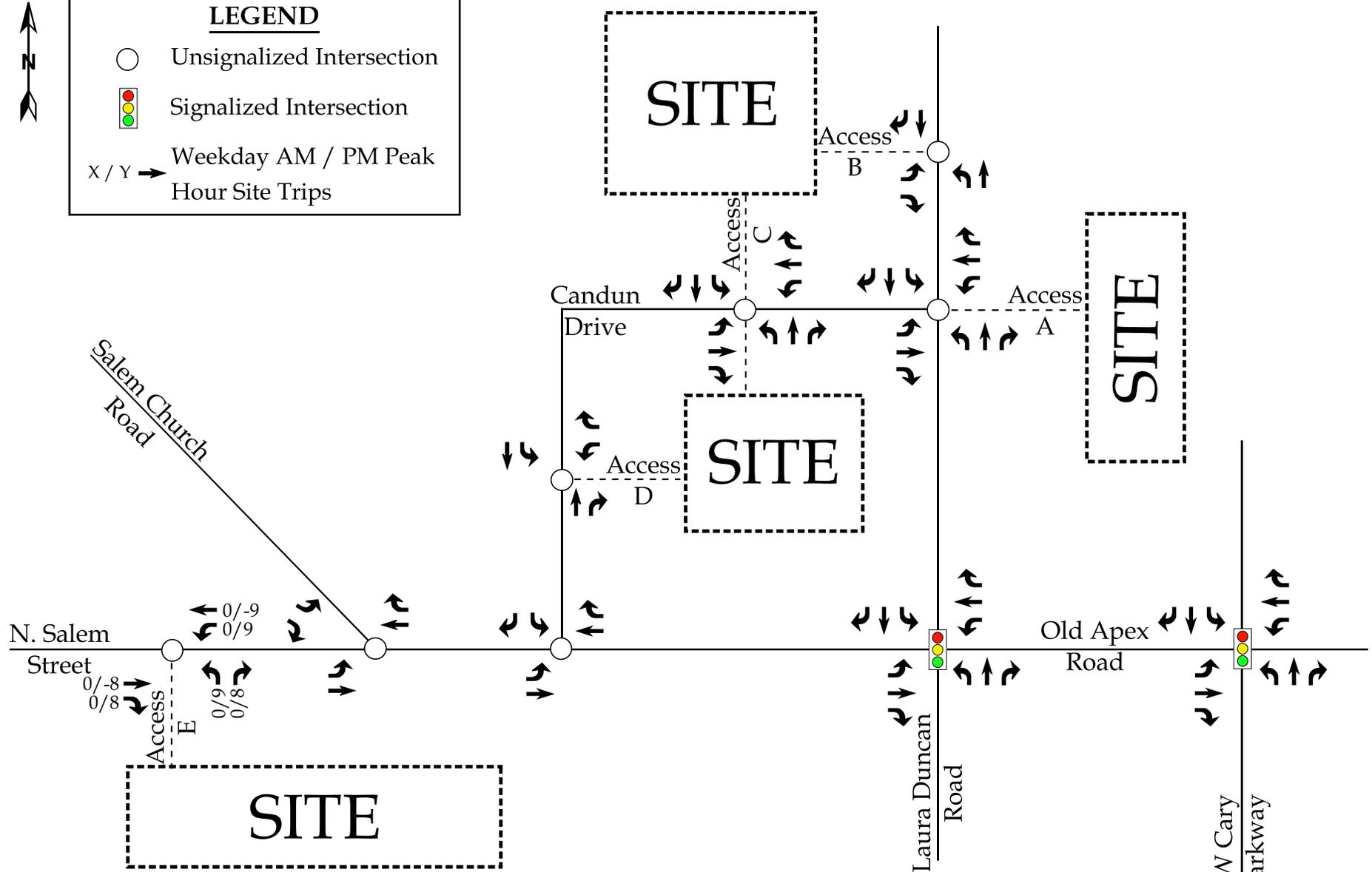


LEGEND

○ Unsignalized Intersection

⬆️⬆️⬆️ Signalized Intersection

X / Y → Weekday AM / PM Peak Hour Site Trips



Moving forward.



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Laura Duncan Road
Development
Apex, NC

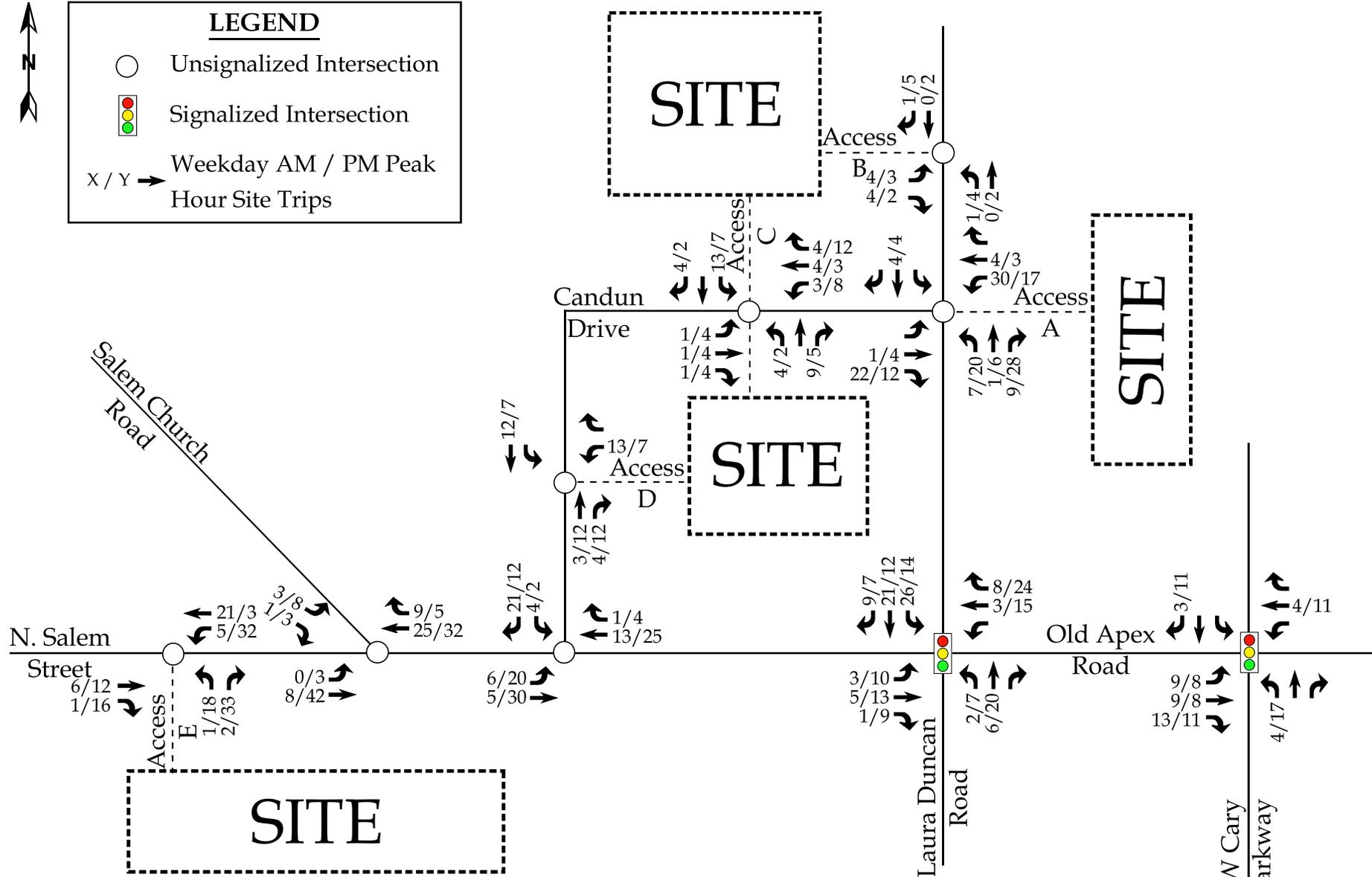
Pass-By Site
Trip Assignment

Scale: Not to Scale Figure 11



LEGEND

- Unsignalized Intersection
- ⬆️⬇️⬇️ Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Site Trips



Laura Duncan Road
Development
Apex, NC

Total Site Trip
Assignment
(Scenario 2)

Scale: Not to Scale | Figure 12

5. 2024 BUILD TRAFFIC CONDITIONS

5.1. 2024 Build Peak Hour Traffic Volumes

To estimate traffic conditions with the site built out, the residential site trips (Figure 8) were added to the 2024 no-build traffic volumes (Figure 5) to determine the 2024 build traffic volumes (Scenario 1) and the total site trips (Figure 12) were added to the 2024 no-build traffic volumes (Figure 5) to determine the 2024 build traffic volumes (Scenario 2). Refer to Figures 13 and 14 for an illustration of the 2024 build peak hour traffic volumes for Scenario 1 (Residential) and Scenario 2 (Residential + Commercial), respectively.

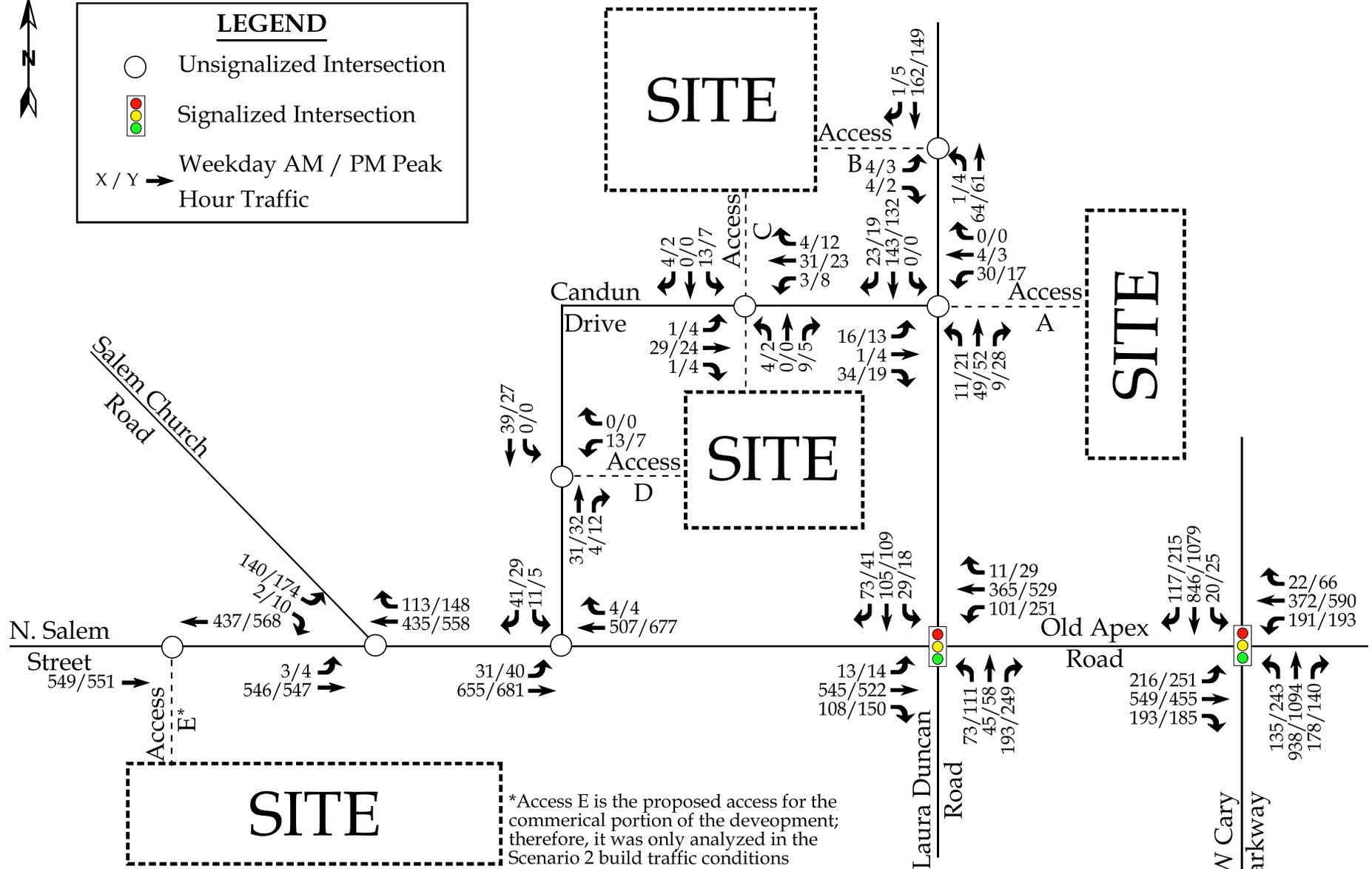
5.2. Analysis of 2024 Build Peak Hour Traffic Conditions

Study intersections were analyzed with the 2024 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.



LEGEND

- Unsignalized Intersection
- 🚦 Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



*Access E is the proposed access for the commercial portion of the development; therefore, it was only analyzed in the Scenario 2 build traffic conditions

Moving forward.

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Laura Duncan Road
Development
Apex, NC

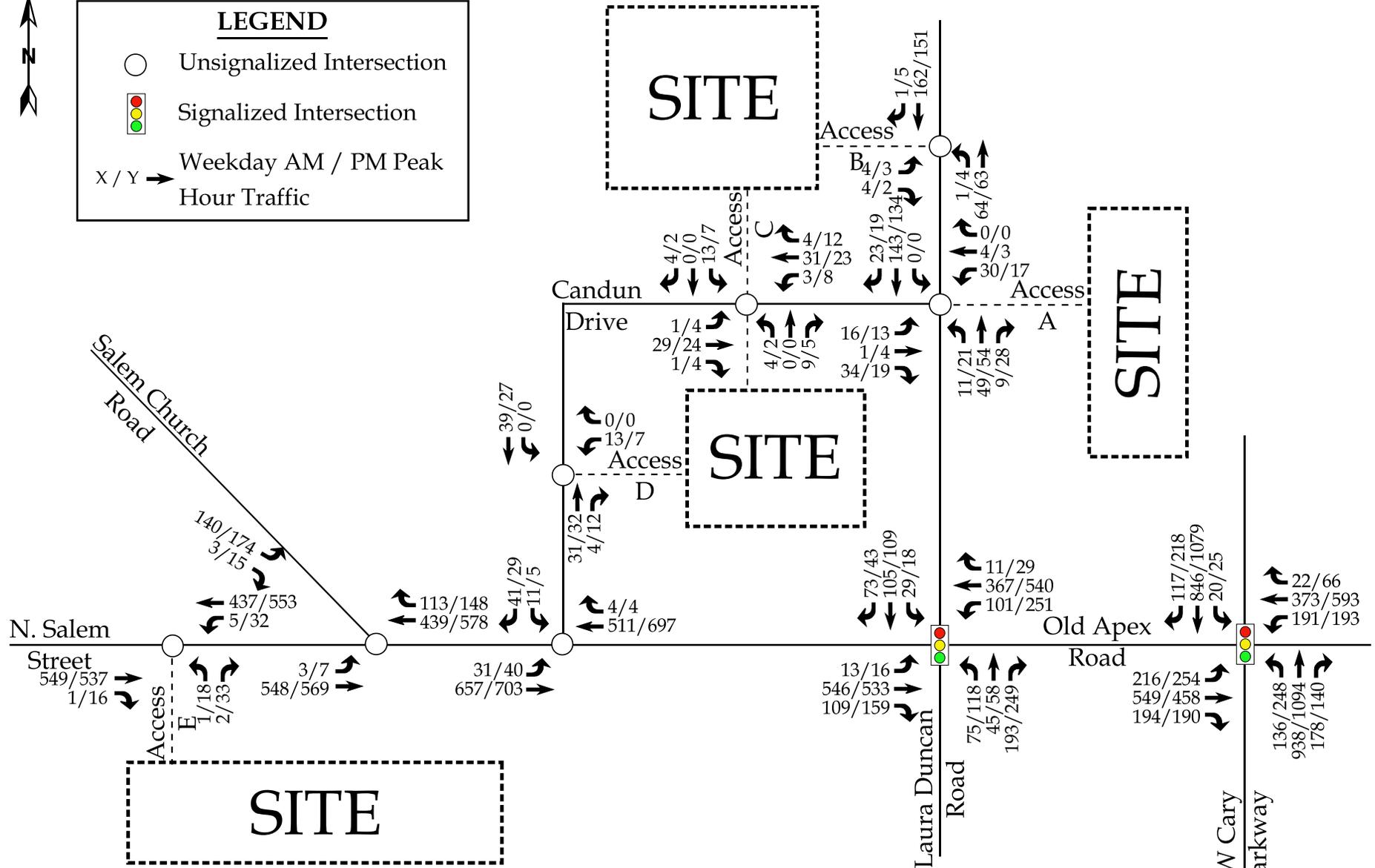
2024 Build
Peak Hour Traffic
(Scenario 1)

Scale: Not to Scale | Figure 13



LEGEND

- Unsignalized Intersection
- 🚦 Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



Moving forward.

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Laura Duncan Road
Development
Apex, NC

2024 Build
Peak Hour Traffic
(Scenario 2)

Scale: Not to Scale | Figure 14

6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for most of the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as “the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions.” Level of service (LOS) is a term used to represent different driving conditions and is defined as a “qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers.” Level of service varies from Level “A” representing free flow, to Level “F” where breakdown conditions are evident. Refer to Table 4 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”. An average control delay of 50 seconds at a signalized intersection results in LOS “D” operation at the intersection.

Table 4: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestions Management Guidelines with one exception. The signalized intersections of N.

Salem Street / Old Apex Road & Laura Duncan Road and Old Apex Road & Cary Parkway were analyzed with right-turn-on-red (RTOR) operation under all analysis scenarios. NCDOT Congestion Management Guidelines indicate that RTOR operation should not be included for analysis of existing or future operations; however, RTOR was considered at this intersection to replicate field conditions where this movement is currently permitted.

7. CAPACITY ANALYSIS

7.1. N. Salem Street/Old Apex Road and Laura Duncan Road

The existing signalized intersection of N. Salem Street/Old Apex Road and Laura Duncan Road was analyzed under 2021 existing, 2024 no-build, 2024 build Scenario 1 [residential] and 2024 build Scenario 2 [residential + commercial] traffic conditions with the lane configurations and traffic control shown in Table 5. Refer to Table 5 for a summary of the analysis results. Refer to Appendix D for the Synchro capacity analysis reports.

Table 5: Analysis Summary of N. Salem Street/Old Apex Road and Laura Duncan Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB	1 LT, 1 TH-RT	C	B (20)	D	D (39)
	WB	1 LT, 1 TH, 1 RT	A		B	
	NB	1 LT-TH-RT	C		F	
	SB	1 LT, 1 TH-RT	B		D	
2024 No-Build	EB	1 LT, 1 TH-RT	C	C (22)	E	D (48)
	WB	1 LT, 1 TH, 1 RT	A		C	
	NB	1 LT-TH-RT	C		E	
	SB	1 LT, 1 TH-RT	C		D	
2024 Build - Scenario 1 [Residential]	EB	1 LT, 1 TH-RT	C	C (24)	E	D (51)
	WB	1 LT, 1 TH, 1 RT	B		C	
	NB	1 LT-TH-RT	D		E	
	SB	1 LT, 1 TH-RT	C		D	
2024 Build - Scenario 2 [Residential + Commercial]	EB	1 LT, 1 TH-RT	C	C (26)	F	E (57)
	WB	1 LT, 1 TH, 1 RT	B		C	
	NB	1 LT-TH-RT	D		E	
	SB	1 LT, 1 TH-RT	C		C	

Capacity analysis indicates that this intersection currently operates at an overall LOS B during the weekday AM peak hour and an overall LOS D during the weekday PM peak hour. Under 2024 no-build and 2024 build traffic conditions (Scenario 1), this intersection is expected to operate at an overall LOS C during the weekday AM peak hour and continue operating at an overall LOS D during the weekday PM peak hour. Under 2024 build traffic conditions (Scenario 2), this intersection is expected to continue operating at an overall LOS C during the weekday AM peak hour and operate at an overall LOS E during the weekday PM

peak hour. It should be noted that this intersection is expected to operate near capacity, with moderate delays and queuing, during the weekday PM peak hour under future traffic conditions regardless of whether or not the proposed development is constructed. During the weekday PM peak hour, the proposed development is expected to account for less than 5% of the overall traffic at this intersection under 2024 build traffic conditions (Scenario 1) and less than 7% of the overall traffic under 2024 build traffic conditions (Scenario 2). Additionally, this intersection is expected to operate near the LOS D/E threshold (55 seconds) during the weekday PM peak hour under future traffic conditions whether or not the proposed development is constructed.

Signal timing modifications were considered at this intersection during the weekday PM peak hour to mitigate the increase in overall intersection delay under 2024 build traffic conditions (Scenario 2); however, this intersection is a part of the Town of Cary's coordinated signal system and any signal timing modifications at one (1) intersection should be discussed with Town of Cary staff to ensure any modifications will not have adverse impacts on the day-to-day signal operations along the corridor. Due to the reasons outlined above, no improvements are recommended at this intersection.

7.2. Laura Duncan Road and Candun Drive/Access A

The existing unsignalized intersection of Laura Duncan Road and Candun Drive was analyzed under 2021 existing, 2024 no-build, 2024 build Scenario 1 [residential] and 2024 build Scenario 2 [residential + commercial] traffic conditions with the lane configurations and traffic control shown in Table 6. Access A is expected to align with Candun Drive under 2024 build conditions (Scenario 1 and Scenario 2), creating a 4th leg at this intersection. Refer to Table 6 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports.

Table 6: Analysis Summary of Laura Duncan Road and Candun Drive/Access A

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	A ² A ¹ -	N/A	A ² A ¹ -	N/A
2024 No-Build	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	A ² A ¹ -	N/A	A ² A ¹ -	N/A
2024 Build – Scenario 1 [Residential]	EB WB NB SB	1 LT- TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	B ² B ² A ¹ A ¹	N/A	B ² B ² A ¹ A ¹	N/A
2024 Build – Scenario 2 [Residential + Commercial]	EB WB NB SB	1 LT- TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	B ² B ² A ¹ A ¹	N/A	B ² B ² A ¹ A ¹	N/A

1. Level of service for major-street left-turn movement.
 2. Level of service for minor-street approach.
- Improvements to lane configurations are shown in bold.

Capacity analysis indicates that the major-street left turn movement and the minor-street approach at this intersection are expected to operate at LOS A during the weekday AM and PM peak hours under 2021 existing and 2024 no-build traffic conditions.

Under 2024 build conditions (Scenario 1 and Scenario 2), the minor-street approaches are expected to operate at LOS B during the weekday AM and PM peak hours while the major-

street left-turn movements are expected to operate at LOS A during the weekday AM and PM peak hours. Exclusive turn lanes were considered at this intersection based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways*; however, given the relatively low projected traffic volumes on Laura Duncan Road and Candun Drive under 2024 build conditions (Scenario 1 and Scenario 2), no turn lanes are recommended at this intersection. Refer to Appendix M for a copy of the turn lane warrants.

7.3. N. Salem Street and Candun Drive

The existing unsignalized intersection of N. Salem Street and Candun Drive was analyzed under 2021 existing, 2024 no-build, 2024 build Scenario 1 [residential] and 2024 build Scenario 2 [residential + commercial] traffic conditions with the lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports.

Table 7: Analysis Summary of N. Salem Street and Candun Drive

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB WB SB	1 LT, 1 TH 1 TH-RT 1 LT-RT	A ¹ -- B ²	N/A	A ¹ -- B ²	N/A
2024 No-Build	EB WB SB	1 LT, 1 TH 1 TH-RT 1 LT-RT	A ¹ -- B ²	N/A	A ¹ -- C ²	N/A
2024 Build - Scenario 1 [Residential]	EB WB SB	1 LT, 1 TH 1 TH-RT 1 LT-RT	A ¹ -- B ²	N/A	A ¹ -- C ²	N/A
2024 Build - Scenario 2 [Residential + Commercial]	EB WB SB	1 LT, 1 TH 1 TH-RT 1 LT-RT	A ¹ -- B ²	N/A	A ¹ -- C ²	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the major street left-turn movement at this intersection is expected to operate at LOS A during the weekday AM and PM peak hours under all traffic conditions. The minor-street approach is expected to operate at LOS B during the weekday AM peak hour and LOS C or better during the weekday PM peak hour for all traffic conditions.

7.4. N. Salem Street and Salem Church Road

The existing unsignalized intersection of N. Salem Street and Salem Church Road was analyzed under 2021 existing, 2024 no-build, 2024 build Scenario 1 [residential] and 2024 build Scenario 2 [residential + commercial] traffic conditions with the lane configurations and traffic control shown in Table 8. Refer to Table 8 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports.

Table 8: Analysis Summary of N. Salem Street and Salem Church Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB WB SB	1 LT-TH 1 TH, 1 RT 1 LT, 1 RT	A ¹ -- D ²	N/A	A ¹ -- E ²	N/A
2024 No-Build	EB WB SB	1 LT-TH 1 TH, 1 RT 1 LT, 1 RT	A ¹ -- E ²	N/A	A ¹ -- F ²	N/A
2024 Build - Scenario 1 [Residential]	EB WB SB	1 LT-TH 1 TH, 1 RT 1 LT, 1 RT	A ¹ -- E ²	N/A	A ¹ -- F ²	N/A
2024 Build - Scenario 2 [Residential + Commercial]	EB WB SB	1 LT, 1 TH 1 TH, 1 RT 1 LT, 1 RT	A ¹ -- C ²	N/A	A ¹ -- D ²	N/A

- 1. Level of service for major-street left-turn movement.
- 2. Level of service for minor-street approach.

Improvements to lane configurations are shown in bold.

Capacity analysis indicates that the major street left-turn movement at this intersection is expected to operate at LOS A during the weekday AM and PM peak hours under all traffic conditions. Under 2024 no-build traffic conditions, the minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS F during the weekday PM peak hour.

Under 2024 build traffic conditions (Scenario 1) the minor-street approach is expected to continue operating at LOS E during the weekday AM peak hour and LOS F during the

weekday PM peak hour. Under 2024 build traffic conditions (Scenario 2), it is recommended the developer widen N. Salem Street to a three-lane cross section to provide an exclusive left-turn at the intersection of N. Salem Street and Access E resulting in a continuation of the existing two-way left-turn lane on either side of this intersection. With the addition of an eastbound left-turn lane at this intersection under 2024 build traffic conditions (Scenario 2), the minor street approach is expected to operate at LOS D or better during the weekday AM and PM peak hours.

It should be noted that these levels of service are not uncommon from stop-controlled minor street approaches with heavy mainline traffic volumes. The peak hour signal warrant from the *Manual on Uniform Traffic Control Devices* (MUTCD) was considered and this intersection meets the peak hour warrants for both the weekday AM and PM peak hours under 2021 existing traffic conditions. It is not expected that this intersection would satisfy the MUTCD 8-hour and 4-hour warrants, which NCDOT favors for installation of a traffic signal. These longer period warrants are not typically met for residential area due to the distinct peak hour traffic periods for this type of development. According to the Town's 2045 Thoroughfare and Collector Street Plan, this intersection is identified as a future roundabout; however, based on coordination with Town staff, this improvement is not currently funded and was therefore not considered in the analysis of future traffic conditions.

7.5. Old Apex Road and Cary Parkway

The existing signalized intersection of Old Apex Road and Cary Parkway was analyzed under 2021 existing, 2024 no-build, 2024 build Scenario 1 [residential] and 2024 build Scenario 2 [residential + commercial] traffic conditions with the lane configurations and traffic control shown in Table 9. Refer to Table 9 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports.

Table 9: Analysis Summary of Old Apex Road and Cary Parkway

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB	1 LT, 1 TH, 1 TH-RT	E	D (47)	F	E (56)
	WB	1 LT, 1 TH, 1 TH-RT	E			
	NB	1 LT, 1 TH, 1 TH-RT	D			
	SB	1 LT, 2 TH, 1 RT	D			
2024 No-Build	EB	1 LT, 1 TH, 1 TH-RT	E	D (50)	F	E (62)
	WB	1 LT, 1 TH, 1 TH-RT	E			
	NB	1 LT, 1 TH, 1 TH-RT	D			
	SB	1 LT, 2 TH, 1 RT	D			
2024 Build - Scenario 1 [Residential]	EB	1 LT, 1 TH, 1 TH-RT	E	D (50)	F	E (63)
	WB	1 LT, 1 TH, 1 TH-RT	E			
	NB	1 LT, 1 TH, 1 TH-RT	D			
	SB	1 LT, 2 TH, 1 RT	D			
2024 Build - Scenario 2 [Residential + Commercial]	EB	1 LT, 1 TH, 1 TH-RT	E	D (50)	F	E (63)
	WB	1 LT, 1 TH, 1 TH-RT	E			
	NB	1 LT, 1 TH, 1 TH-RT	D			
	SB	1 LT, 2 TH, 1 RT	D			

Capacity analysis of indicates the intersection of Old Apex Road and Cary Parkway is expected to operate at an overall LOS D during the weekday AM peak hour and an overall LOS E during the weekday PM peak hour under all traffic conditions. Due the minimal impacts site traffic is expected to have when comparing 2024 no-build traffic conditions to 2024 build traffic conditions (Scenario 1 and Scenario 2), no improvements are recommended at this intersection.

7.6. Laura Duncan Road and Access B

The proposed unsignalized intersection of Laura Duncan Road and Access B was analyzed under 2024 build traffic conditions (Scenario 1 and Scenario 2) with the lane configurations and traffic control shown in Table 10. Refer to Table 10 for a summary of the analysis results. Refer to Appendix I for the Synchro capacity analysis reports.

Table 10: Analysis Summary of Laura Duncan Road and Access B

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2024 Build - Scenario 1 [Residential]	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	A ² A ¹ --	N/A	A ² A ¹ --	N/A
2024 Build - Scenario 2 [Residential + Commercial]	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	A ² A ¹ --	N/A	A ² A ¹ --	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the major-street left-turn movement and minor-street approach at this intersection are expected to operate at LOS A during the weekday AM and PM peak hours under 2024 build traffic conditions (Scenario 1 and Scenario 2).

Exclusive turn lanes were considered at this intersection based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways*; however, given the relatively low projected traffic volumes on Laura Duncan Road under 2024 build conditions (Scenario 1 and Scenario 2), no turn lanes are recommended at this intersection. Refer to Appendix M for a copy of the turn lane warrants.

7.7. Candun Drive and Access C

The proposed unsignalized intersection of Candun Drive and Access C was analyzed under 2024 build traffic conditions (Scenario 1 and Scenario 2) with the lane configurations and traffic control shown in Table 11. Refer to Table 11 for a summary of the analysis results. Refer to Appendix J for the Synchro capacity analysis reports.

Table 11: Analysis Summary of Candun Drive and Access C

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2024 Build – Scenario 1 [Residential]	EB	1 LT-TH-RT	A ¹	N/A	A ¹	N/A
	WB	1 LT-TH-RT	A ¹			
	NB	1 LT-TH-RT	A ²			
	SB	1 LT-TH-RT	A ²			
2024 Build – Scenario 2 [Residential + Commercial]	EB	1 LT-TH-RT	A ¹	N/A	A ¹	N/A
	WB	1 LT-TH-RT	A ¹			
	NB	1 LT-TH-RT	A ²			
	SB	1 LT-TH-RT	A ²			

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that all major-street left-turn movements and minor-street approaches at this intersection are expected to operate at LOS A during the weekday AM and PM peak hours under 2024 build traffic conditions (Scenario 1 and Scenario 2).

Exclusive turn lanes were considered at this intersection based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways*; however, given the relatively low projected traffic volumes on Candun Drive under 2024 build conditions (Scenario 1 and Scenario 2), no turn lanes are recommended at this intersection. Refer to Appendix M for a copy of the turn lane warrants.

7.8. Candun Drive and Access D

The proposed unsignalized intersection of Candun Drive and Access D was analyzed under 2024 build traffic conditions (Scenario 1 and Scenario 2) with the lane configurations and traffic control shown in Table 12. Refer to Table 12 for a summary of the analysis results. Refer to Appendix K for the Synchro capacity analysis reports.

Table 12: Analysis Summary of Candun Drive and Access D

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2024 Build - Scenario 1 [Residential]	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A
2024 Build - Scenario 2 [Residential + Commercial]	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the major-street left-turn movement and minor-street approach at this intersection are expected to operate at LOS A during the weekday AM and PM peak hours under 2024 build traffic conditions (Scenario 1 and Scenario 2).

Exclusive turn lanes were considered at this intersection based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways*; however, given the relatively low projected traffic volumes on Candun Drive under 2024 build conditions (Scenario 1 and Scenario 2), no turn lanes are recommended at this intersection. Refer to Appendix M for a copy of the turn lane warrants.

7.9. N. Salem Street and Access E

The proposed unsignalized intersection of N. Salem Street and Access E was analyzed under 2024 build traffic conditions (Scenario 2) with the lane configurations and traffic control shown in Table 13. Refer to Table 13 for a summary of the analysis results. Refer to Appendix L for the Synchro capacity analysis reports.

Table 13: Analysis Summary of N. Salem Street and Access E

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2024 Build - Scenario 2 [Residential + Commercial]	EB WB NB	1 TH-RT 1 LT, 1 TH 1 LT-RT	-- A ¹ B ²	N/A	-- A ¹ C ²	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates the major-street left-turn movement at this intersection is expected to operate at LOS A during the weekday AM and PM peak hours under 2024 build traffic conditions (Scenario 2). The minor-street approach is expected to operate at LOS C or better during the weekday AM and PM peak hours under 2024 build traffic conditions (Scenario 2).

It is recommended that the developer widen N. Salem Street to a three-lane cross section to provide an exclusive left-turn lane at this intersection resulting in a continuation of the existing two-way left-turn lane on N. Salem Street on either of its intersection with Salem Church Road. Therefore, an exclusive westbound left-turn lane was analyzed. An exclusive right-turn lane was considered at this intersection based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways*; however, given the minimal right turn projected site traffic under 2024 build conditions (Scenario 2), an exclusive right-turn lane is not recommended at this intersection. Refer to Appendix M for a copy of the turn lane warrants.

8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed Laura Duncan Road Development, located north of N. Salem Street / Old Apex Road, on both sides of Laura Duncan Road in Apex, North Carolina. The proposed development, anticipated to be completed in 2024, is assumed to consist of approximately 240 apartment units and a commercial outparcel south of the intersection of N. Salem Street and Salem Church Road. Based on a review of the commercial outparcel and the setback requirements from N. Salem Street and the CSX Rail Line, the commercial outparcel will realistically only have one (1) acre of developable land. The remaining ~1.5 acres will be dedicated as resource conservation area (RCA) or as right-of-way/land for the future roundabout at the intersection of N. Salem Street and Salem Church Road per the Town's Comprehensive Transportation Plan (CTP). It should be noted that the commercial outparcel land use(s) and intensity are unknown at this time. Therefore, 10,000 square feet of general retail space per acre of developable land [1 acre in total] was assumed for the commercial outparcel.

Access to the residential portion of the site is proposed via two (2) full movement access points along Laura Duncan Road and two (2) full movement access points along Candun Drive. Access to the commercial outparcel is proposed via one (1) full movement access point along N. Salem Street.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios to provide analysis with and without the commercial outparcel upon build-out of the proposed development:

- 2021 Existing Traffic Conditions
- 2024 No-Build Traffic Conditions
- 2024 Build Traffic Conditions - Scenario 1 [Residential]
- 2024 Build Traffic Conditions - Scenario 2 [Residential + Commercial]

Trip Generation

For Scenario 1 [Residential], it is estimated that the proposed development will generate approximately 1,774 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 110 trips (25 entering and 85 exiting) will occur during the weekday AM peak hour and 129 trips (81 entering and 48 exiting) will occur during the weekday PM peak hour.

For Scenario 2 [Residential + Commercial], it is estimated that the proposed development will generate approximately 3,030 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 119 trips (31 entering and 88 exiting) will occur during the weekday AM peak hour and 194 trips (112 entering and 94 exiting) will occur during the weekday PM peak hour after the reduction for pass-by trips.

Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Refer to Section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

Intersection Capacity Analysis Summary

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions with the exception of the intersections listed below. A summary of the study area intersections that are expected to need improvements are as follows:

N. Salem Street/Old Apex Road and Laura Duncan Road

Under 2024 build traffic conditions (Scenario 2), this intersection is expected to operate at an overall LOS C during the weekday AM peak hour and an overall LOS E during the weekday PM peak hour. It should be noted that this intersection is expected to operate near capacity, with moderate delays and queuing, during the weekday PM peak hour under future traffic conditions regardless of whether or not the proposed development is constructed. During the weekday PM peak hour, the proposed development is expected to account for less than 5% of

the overall traffic at this intersection under 2024 build traffic conditions (Scenario 1) and less than 7% of the overall traffic under 2024 build traffic conditions (Scenario 2). Additionally, this intersection is expected to operate near the LOS D/E threshold (55 seconds) during the weekday PM peak hour under future traffic conditions whether or not the proposed development is constructed.

Signal timing modifications were considered at this intersection during the weekday PM peak hour to mitigate the increase in overall intersection delay under 2024 build traffic conditions (Scenario 2); however, this intersection is a part of the Town of Cary's coordinated signal system and any signal timing modifications at one (1) intersection should be discussed with Town of Cary staff to ensure any modifications will not have adverse impacts on the day-to-day signal operations along the corridor. Due to the reasons outlined above, no improvements are recommended at this intersection.

N. Salem Street and Salem Church Road

Under 2024 no-build and 2024 build traffic conditions (Scenario 1), the minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS F during the weekday PM peak hour. Under 2024 build traffic conditions (Scenario 2), it is recommended the developer widen N. Salem Street to a three-lane cross section to provide an exclusive left-turn at the intersection of N. Salem Street and Access E resulting in a continuation of the existing two-way left-turn lane on either side of this intersection. With the addition of an eastbound left-turn lane at this intersection under 2024 build traffic conditions (Scenario 2), the southbound minor street approach is expected to operate at LOS D or better during the weekday AM and PM peak hours.

It should be noted that these levels of service are not uncommon from stop-controlled minor street approaches with heavy mainline traffic volumes. The peak hour signal warrant from the *Manual on Uniform Traffic Control Devices* (MUTCD) was considered and this intersection meets the peak hour warrants for both the weekday AM and PM peak hours under 2021 existing traffic conditions. It is not expected that this intersection would satisfy the MUTCD 8-hour and 4-hour warrants, which NCDOT favors for installation of a traffic signal. These

longer period warrants are not typically met for residential area due to the distinct peak hour traffic periods for this type of development. According to the Town's 2045 Thoroughfare and Collector Street Plan, this intersection is identified as a future roundabout; however, based on coordination with Town staff, this improvement is not currently funded and was therefore not considered in the analysis of future traffic conditions.

9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 15 for an illustration of the recommended lane configuration for the proposed development.

Recommended Improvements by Developer – Scenario 1 [Residential]

Laura Duncan Road and Candun Drive/Access A

- Construct the westbound approach with one ingress and one egress lane.
- Provide stop control for the westbound approach.

Laura Duncan Road and Access B

- Construct the eastbound approach with one ingress and one egress lane.
- Provide stop control for the eastbound approach.

Candun Drive and Access C

- Construct the northbound and southbound approaches with one ingress and one egress lane.
- Provide stop control for the northbound and southbound approaches.

Candun Drive and Access D

- Construct the westbound approach with one ingress and one egress lane.
- Provide stop control for the westbound approach.

Recommended Improvements by Developer – Scenario 2 [Residential + Commercial]

N. Salem Street

- Widen N. Salem Street to a three-lane cross-section providing a continuation of the existing two-way left-turn lane on either of its intersection with Salem Church Road

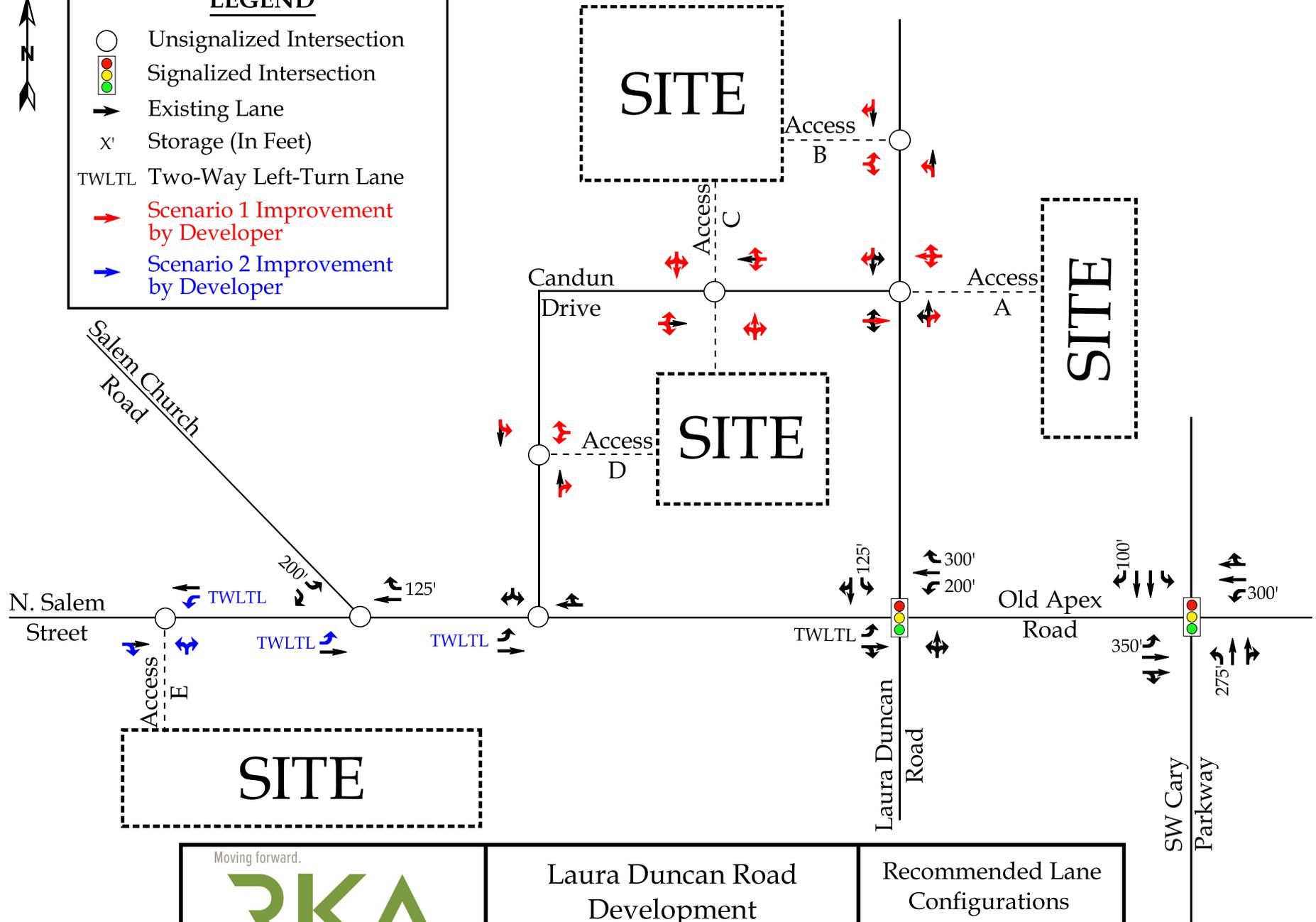
N. Salem Street and Access E

- Provide an exclusive westbound left-turn lane on N. Salem Street [two-way left-turn lane].
- Construct the northbound approach with one ingress and one egress lane.
- Provide stop control for the northbound approach.



LEGEND

- Unsignalized Intersection
- Signalized Intersection
- Existing Lane
- x' Storage (In Feet)
- TWLTL Two-Way Left-Turn Lane
- Scenario 1 Improvement by Developer
- Scenario 2 Improvement by Developer



Moving forward.



RAMEY KEMP ASSOCIATES

Laura Duncan Road
Development
Apex, NC

Recommended Lane
Configurations

Scale: Not to Scale Figure 15

TECHNICAL APPENDIX

APPENDIX A

MEMORANDUM OF UNDERSTANDING



November 24, 2021

Serge Grebenschikov, PE
Traffic Engineer
Public Works & Transportation – Traffic
73 Hunter Street, 3rd Fl
PO Box 250
Apex, NC 27502

Reference: Laura Duncan Road Development
Apex, North Carolina

Subject: **REVISED** Memorandum of Understanding for TIA Report

Dear Mr. Grebenschikov:

The following is a Memorandum of Understanding (MOU) outlining the proposed scope of work and assumptions related to the Traffic Impact Analysis (TIA) for the proposed Laura Duncan Road Development, located north of N. Salem Street / Old Apex Road, on both sides of Laura Duncan Road in Apex, North Carolina. The development is anticipated to consist of approximately 240 apartment units and a commercial outparcel south of the intersection of N. Salem Street and Salem Church Road. The development is expected to be fully built-out by 2024. Access to the residential portion of the site is proposed via two (2) full movement access points along Laura Duncan Road and two (2) full movement access points along Candun Drive. Access to the commercial outparcel is proposed via one (1) full movement access point along N. Salem Street.

Study Area

Based on coordination with the North Carolina Department of Transportation (NCDOT), the Town of Apex (Town), and Town of Cary staff, the study area is proposed to consist of the following intersections:

- N. Salem Street / Old Apex Road and Laura Duncan Road
- Laura Duncan Road and Candun Drive
- N. Salem Street and Candun Drive
- N. Salem Street and Salem Church Road
- Old Apex Road and Cary Parkway

Analysis Scenarios

All capacity analyses will be performed utilizing Synchro (Version 10.3). All study intersections will be analyzed during the weekday AM and PM peak hours under the following proposed traffic scenarios:

- 2021 Existing Traffic Conditions

- 2024 No-Build Traffic Conditions
- 2024 Build Traffic Conditions Phase 1 [Residential]
- 2024 Build Traffic Conditions Full Build-Out [Residential + Commercial]
- 2024 Build Traffic Conditions with Improvements [*if necessary*]

Existing Traffic Volumes

Peak hour counts were conducted at all study intersections [except Old Apex Road and Cary Parkway] in September of 2021, during weekday AM (7:00 to 9:00 AM) and weekday PM (4:00 to 6:00 PM) peak hours. It should be noted that the schools in the surrounding area were in session and operating under typical operations at the time traffic counts were collected.

Traffic counts at the intersection of Old Apex Road and Cary Parkway from the Town of Cary (21-TAR-460) will be utilized for analysis purposes. All COVID factor adjustment methodology from 21-TAR-460 will be utilized for the existing peak hour traffic volumes at this intersection. Traffic counts were collected in August of 2021 while schools were not in session and during the effects of the COVID-19 pandemic. Traffic counts from May of 2019 at this intersection were available from the Town of Cary which were collected when schools were in session. Based on a comparison of grown 2021 counts (May 2019 counts grown to 2021 using a 1% growth rate) and the August 2021 counts, adjustment factors of 1.25 and 1.33 were calculated and applied [to the August 2021 traffic counts] to determine the new weekday AM and PM peak hour traffic volumes, respectively.

No-Build Traffic Volumes

Per coordination with NCDOT and the Town, no-build traffic volumes will be determined by projecting existing (2021) traffic volumes to 2024 using a 3% annually compounded growth rate.

It was determined through coordination with the review agencies that there are no adjacent developments to be considered in this study.

Trip Generation

Average weekday daily and peak hour trips for the proposed site were calculated utilizing methodology contained within the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition. Refer to Tables 1a and 1b for a detailed breakdown of the trip generations for Phase 1 and Full Build-Out, respectively.

Table 1a: Trip Generation Summary – Phase 1

Land Use	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Multifamily Low-Rise Apartments (220)	240 units	1,774	25	85	81	48

It is estimated that the residential portion of the proposed development (Phase 1) will generate approximately 1,774 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic



volume, it is anticipated that 110 trips (25 entering and 85 exiting) will occur during the weekday AM peak hour and 129 trips (81 entering and 48 exiting) will occur during the weekday PM peak hour.

Table 1b: Trip Generation Summary - Full Build-Out

Land Use	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Multifamily Low-Rise Apartments (220)	240 units	1,774	25	85	81	48
Retail (820)	10,000* SF	1,256	6^	3^	48	51
Total Trips			31	88	129	99
<i>Pass-By Trips [0% AM, 34% PM]</i>			-0	-0	-17	-17
Total External Trips			31	88	112	82

*Since the commercial outparcel land use is unknown at this time, 10,000 SF of general retail space per acre [1 acre in total] was assumed for this land use.

^Rates were used instead of equations for generating AM peak hour trips

It is estimated that Full Build-Out of the proposed development will generate approximately 3,030 total site trips on the roadway network during a typical 24-hour weekday period. After the reduction of pass-by trips, it is anticipated that 119 trips (31 entering and 88 exiting) will occur during the weekday AM peak hour and 194 trips (112 entering and 82 exiting) will occur during the weekday PM peak hour. It should be noted that reductions due to internal capture were not accounted for to provide for a conservative analysis.

Trip Distribution

The site trips were distributed based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. A summary of the proposed site trip distribution is below:

- 25% to/from the south via Laura Duncan Road
- 5% to/from the north via Laura Duncan Road
- 25% to/from the west via N. Salem Street
- 10% to/from the east via Old Apex Road
- 10% to/from the west via Salem Church Road
- 10% to/from the north via Cary Parkway
- 15% to/from the south via Cary Parkway

Refer to the attachments for the figures showing the anticipated site trip distributions for the site.



Report

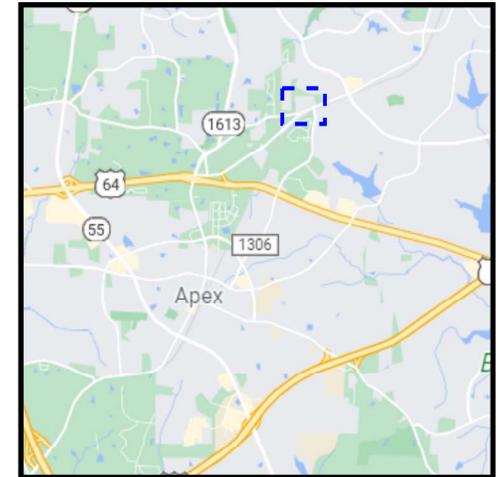
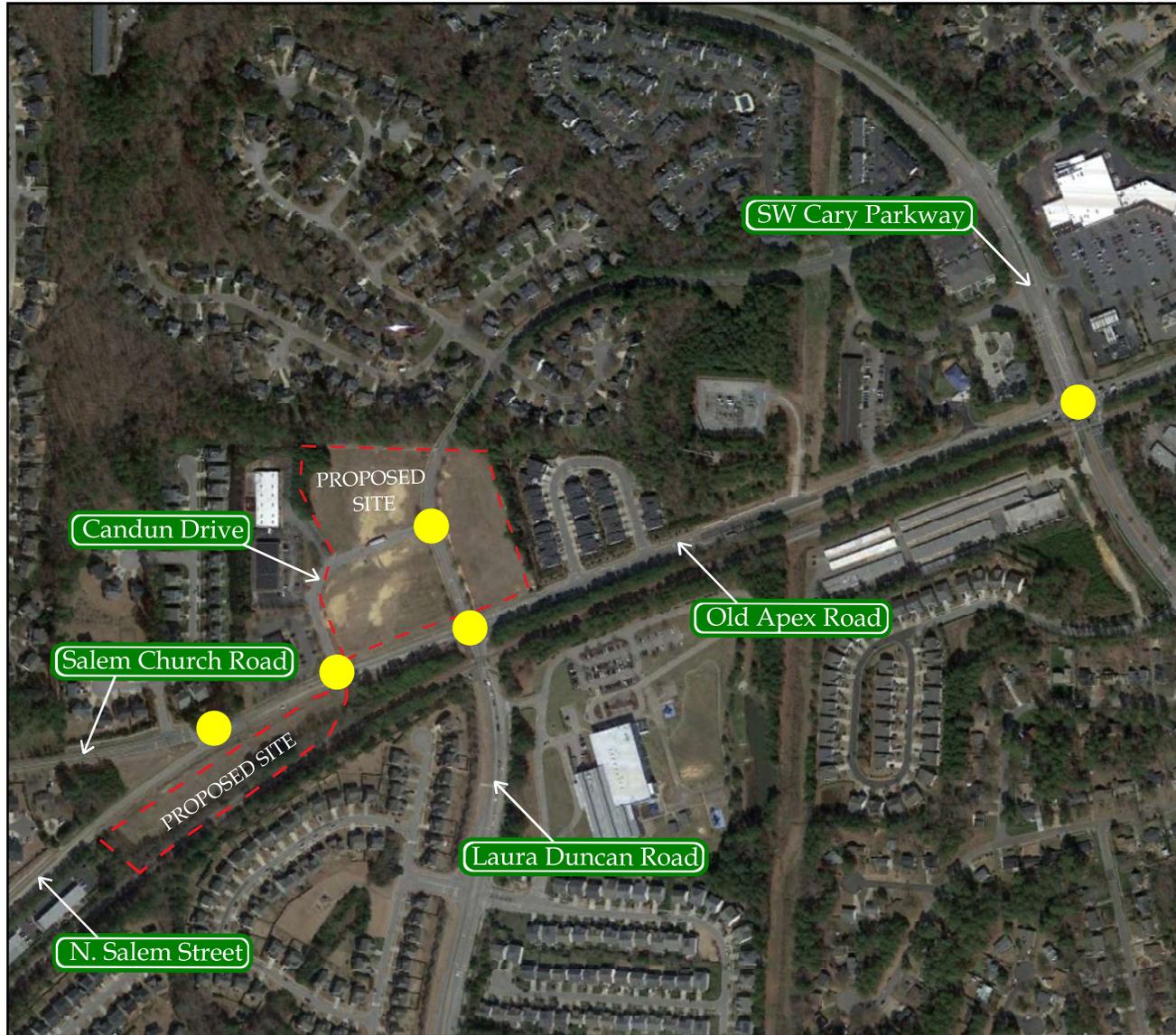
The Traffic Impact Analysis report will be prepared based on the Town and NCDOT guidelines. If you find this memorandum of understanding acceptable, please let me know so that we may include it in the TIA report. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
Ramey Kemp & Associates, Inc.



Michael Karpinski, PE
NC Traffic Project Manager

- Attachments: Site Location Map Figure
Site Plan
Existing Lane Configurations
2021 Existing Traffic Volumes Figure
Site Trip Distribution Figures
Count Information



LEGEND

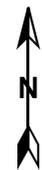
- - - Proposed Site Location
- Study Intersection
- - - Study Area



Laura Duncan Road
Development
Apex, NC

Site Location Map

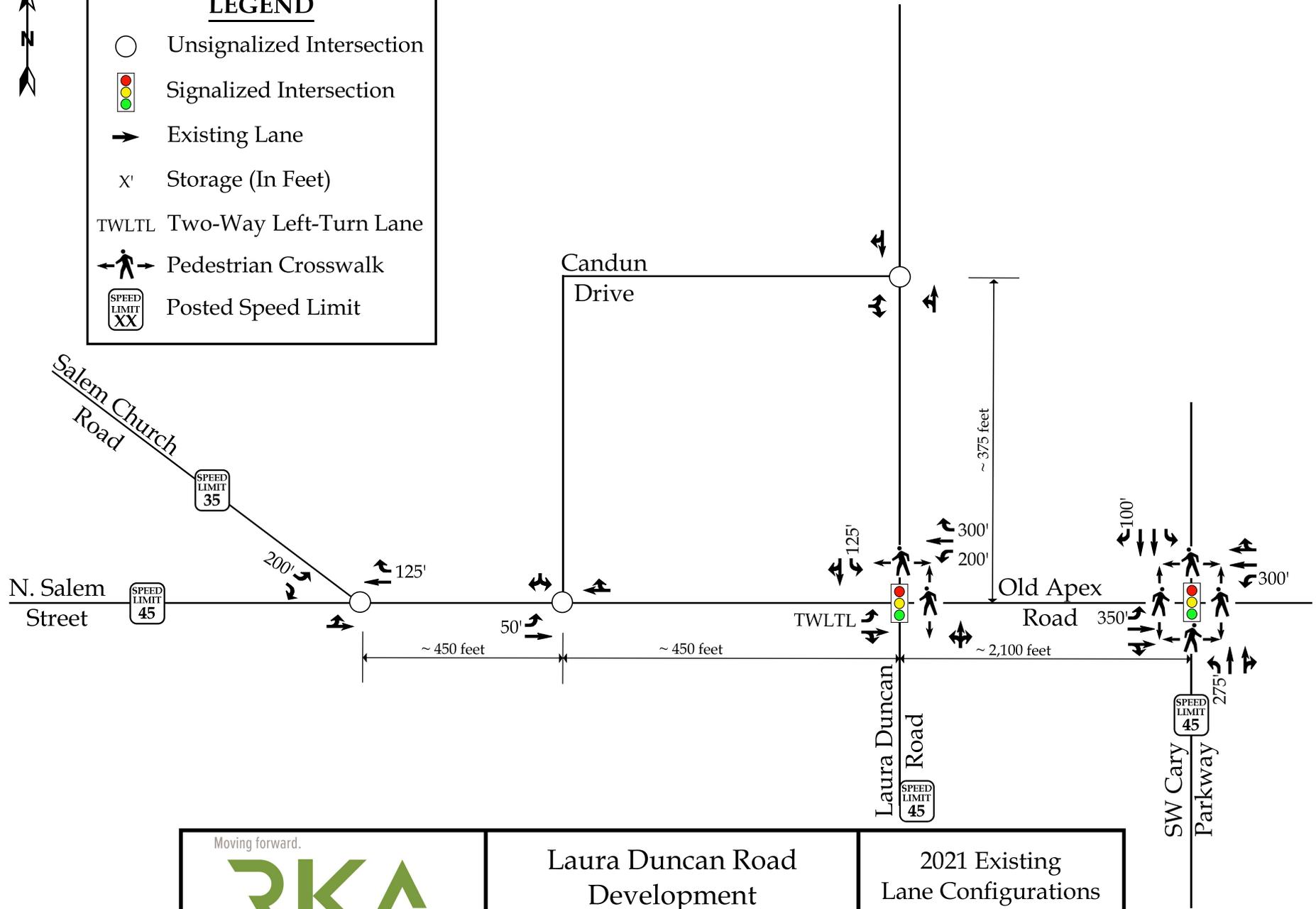
Scale: Not to Scale | Figure 1





LEGEND

- Unsignalized Intersection
- 🚦 Signalized Intersection
- ➔ Existing Lane
- x' Storage (In Feet)
- TWLTL Two-Way Left-Turn Lane
- 🚶 Pedestrian Crosswalk
- 🚗
SPEED LIMIT XX Posted Speed Limit



Moving forward.

RKA
RAMEY KEMP ASSOCIATES

Laura Duncan Road
Development
Apex, NC

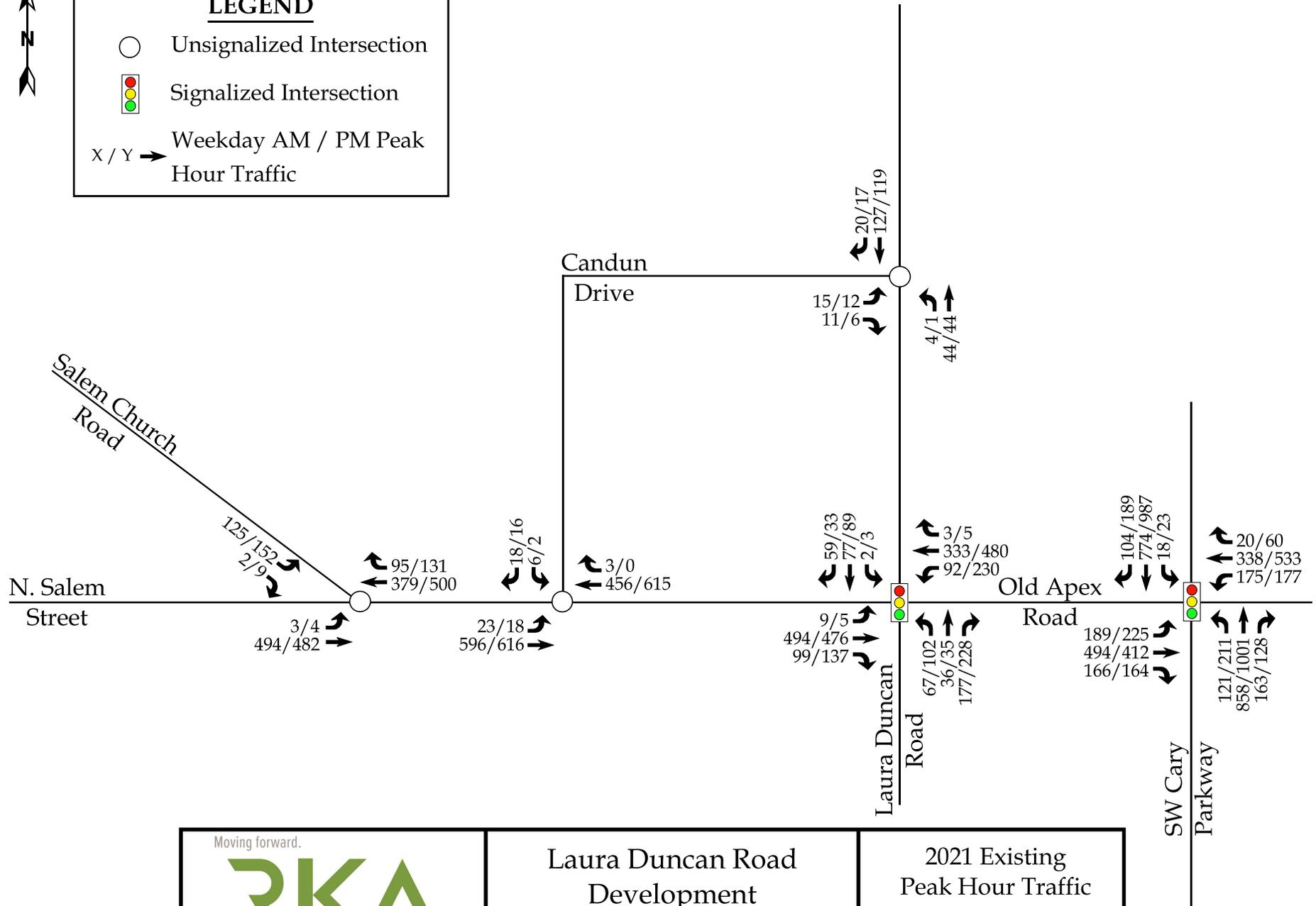
2021 Existing
Lane Configurations

Scale: Not to Scale | Figure 3



LEGEND

- Unsignalized Intersection
- 🚦 Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



Moving forward.
RKA
RAMEY KEMP ASSOCIATES

Laura Duncan Road
Development
Apex, NC

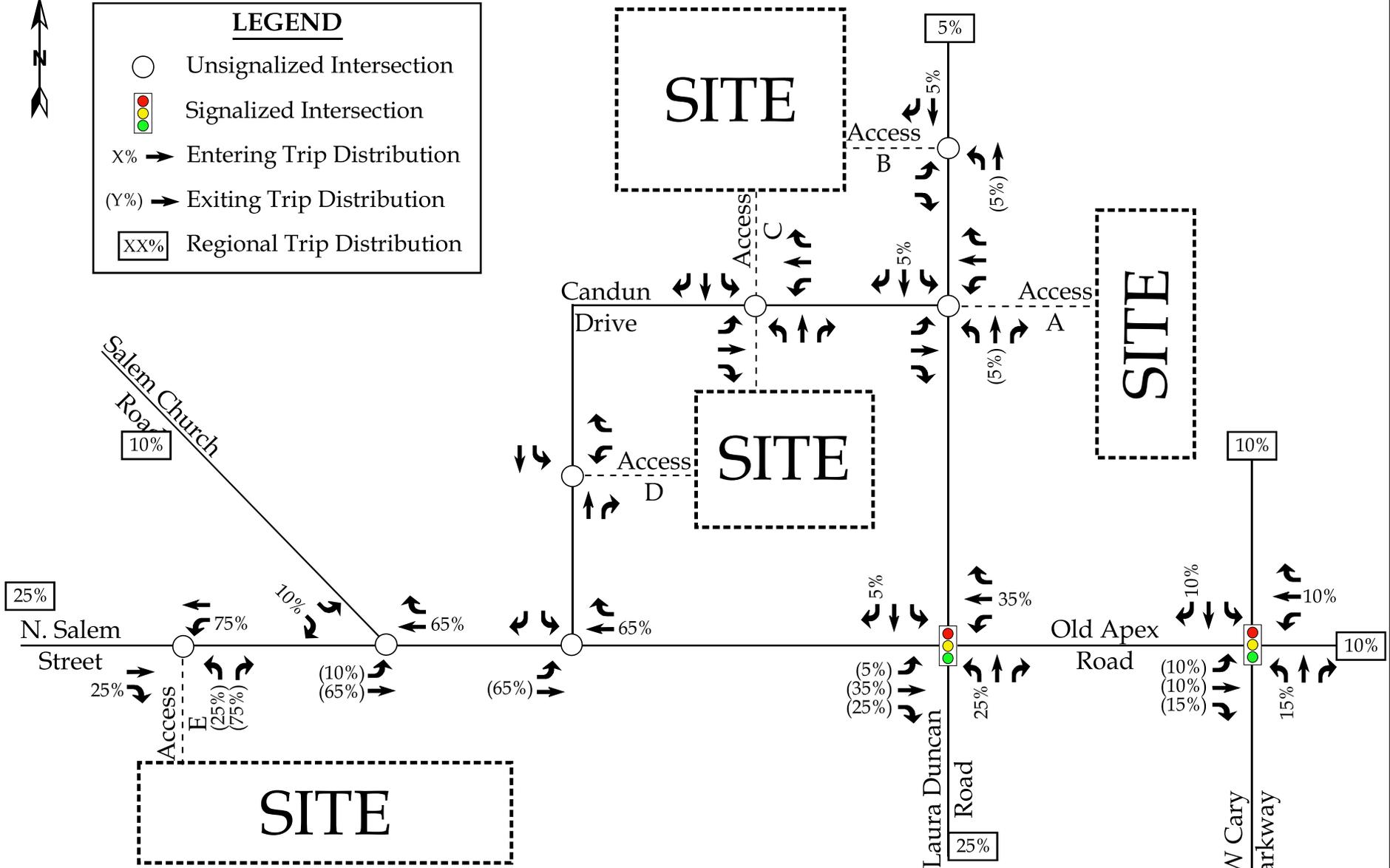
2021 Existing
Peak Hour Traffic

Scale: Not to Scale | Figure 4



LEGEND

- Unsignalized Intersection
- ⬆️⬇️⬆️ Signalized Intersection
- x% → Entering Trip Distribution
- (Y%) → Exiting Trip Distribution
- XX% Regional Trip Distribution



Moving forward.

RKA
RAMEY KEMP ASSOCIATES

Laura Duncan Road
Development
Apex, NC

Commercial
Site Trip Distribution
(Full Build-Out)

Scale: Not to Scale | Figure 7

Michael Karpinski

From: Brennan, Sean P <spbrennan@ncdot.gov>
Sent: Monday, November 29, 2021 11:38 AM
To: Serge Grebenschikov; Michael Karpinski; Konda, Priyatham; Walker, Braden M; Russell Dalton
Subject: Re: [External] RE: Laura Duncan Road / N. Salem Street Proposed Development - Apex, NC

Follow Up Flag: Follow up
Flag Status: Completed

NCDOT is okay with it as well.

Regards,

Sean Brennan, PE
Senior Assistant District Engineer
Division 5/District 1
Department of Transportation

919-733-3213 office
919-715-5778 fax
spbrennan@ncdot.gov

4009 District Drive (Physical Address)
Raleigh, NC 27607

1575 Mail Service Center (Mailing Address)
Raleigh, NC 27699-1575



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Serge Grebenschikov <Serge.Grebenschikov@apexnc.org>
Sent: Wednesday, November 24, 2021 3:33 PM
To: Michael Karpinski <MKarpinski@rameykemp.com>; Konda, Priyatham <priyatham.konda@townofcary.org>; Brennan, Sean P <spbrennan@ncdot.gov>; Walker, Braden M <bmwalker1@ncdot.gov>; Russell Dalton <Russell.Dalton@apexnc.org>
Subject: RE: [External] RE: Laura Duncan Road / N. Salem Street Proposed Development - Apex, NC

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Thank you Michael.

This works from our end.

Happy Thanksgiving!

Serge Grebenschikov, PE

Traffic Engineer
Public Works & Transportation – Traffic
73 Hunter Street, 3rd Fl
PO Box 250
Apex, NC 27502
P: (919) 372-7448
E: Serge.Grebenschikov@apexnc.org

From: Michael Karpinski <MKarpinski@rameykemp.com>

Sent: Wednesday, November 24, 2021 3:15 PM

To: Serge Grebenschikov <Serge.Grebenschikov@apexnc.org>; Priyatham Konda <Priyatham.Konda@townofcary.org>; Brennan, Sean P <spbrennan@ncdot.gov>; Walker, Braden M <bmwalker1@ncdot.gov>; Russell Dalton <Russell.Dalton@apexnc.org>

Cc: Fenner, Edwin F <effenner@ncdot.gov>; Neidringhaus, Amy N <anneidringhaus@ncdot.gov>; Anna Irby <airby@rameykemp.com>; Rob H. Myers <rob.myers@townofcary.org>; Luana Deans <Luana.Deans@townofcary.org>; David Spencer <David.Spencer@townofcary.org>; Erin Puckett <Erin.Puckett@townofcary.org>; Rob Wilson <Rob.Wilson@townofcary.org>

Subject: RE: [External] RE: Laura Duncan Road / N. Salem Street Proposed Development - Apex, NC

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Hey Serge,

Please find the attached revised MOU for the Laura Duncan Road development TIA. The only minor modification since my email from Monday is the assumed square footage for the commercial parcel – the Client wanted to increase the square footage to 10,000 square feet per acre to provide some flexibility in the event they are able to have a slightly larger building footprint. The trip generation in the attached MOU has been updated to reflect this change.

Let me know if you have any questions/comments. Thanks and hope you have a great Thanksgiving weekend!

Michael

Michael Karpinski, PE
Traffic Engineering Project Manager

D 919 987 1300 | T 919 872 5115



From: Serge Grebenschikov <Serge.Grebenschikov@apexnc.org>
Sent: Monday, November 22, 2021 5:26 PM
To: Michael Karpinski <MKarpinski@rameykemp.com>; Priyatham Konda <Priyatham.Konda@townofcary.org>; Brennan, Sean P <spbrennan@ncdot.gov>; Walker, Braden M <bmwalker1@ncdot.gov>; Russell Dalton <Russell.Dalton@apexnc.org>
Cc: Fenner, Edwin F <effenner@ncdot.gov>; Neidringhaus, Amy N <anneidringhaus@ncdot.gov>; Anna Irby <airby@rameykemp.com>; Rob H. Myers <rob.myers@townofcary.org>; Luana Deans <Luana.Deans@townofcary.org>; David Spencer <David.Spencer@townofcary.org>; Erin Puckett <Erin.Puckett@townofcary.org>; Rob Wilson <Rob.Wilson@townofcary.org>
Subject: RE: [External] RE: Laura Duncan Road / N. Salem Street Proposed Development - Apex, NC

Hi Michael,

Thank you for the information. Apex is ok with the changes, Can you please provide us with an updated MOU document?

Kind regards

Serge Grebenschikov, PE

Traffic Engineer
Public Works & Transportation – Traffic
73 Hunter Street, 3rd Fl
PO Box 250
Apex, NC 27502
P: (919) 372-7448
E: Serge.Grebenschikov@apexnc.org

From: Michael Karpinski <MKarpinski@rameykemp.com>
Sent: Monday, November 22, 2021 5:18 PM
To: Priyatham Konda <Priyatham.Konda@townofcary.org>; Serge Grebenschikov <Serge.Grebenschikov@apexnc.org>; Brennan, Sean P <spbrennan@ncdot.gov>; Walker, Braden M <bmwalker1@ncdot.gov>; Russell Dalton <Russell.Dalton@apexnc.org>
Cc: Fenner, Edwin F <effenner@ncdot.gov>; Neidringhaus, Amy N <anneidringhaus@ncdot.gov>; Anna Irby <airby@rameykemp.com>; Rob H. Myers <rob.myers@townofcary.org>; Luana Deans <Luana.Deans@townofcary.org>; David Spencer <David.Spencer@townofcary.org>; Erin Puckett <Erin.Puckett@townofcary.org>; Rob Wilson <Rob.Wilson@townofcary.org>
Subject: RE: [External] RE: Laura Duncan Road / N. Salem Street Proposed Development - Apex, NC

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Priyatham and all –

Thank you for a summary of the information below in regards to the intersection of Cary Parkway and Old Apex Road. Upon further discussion with our Client, we decided that it would be in the best interest of our project to include the intersection of Cary Parkway / Old Apex Road in the TIA based on the information below and feedback from citizens

in the surrounding area. That being said, I am following up with a summary of the changes to the approved MOU and methodology related to existing peak hour traffic volumes at the intersection of Cary Parkway / Old Apex Road:

- The number of apartment units for the residential portion of the site have been increased from 200 units to a maximum of 240 units. The final number of apartment units have not been determined at this time but we wanted to provide flexibility in the event there is the opportunity to add more units from the original 200 unit count.
- Working with the project team on the commercial portion of this project examining the setback requirements from N. Salem Street, the CSX Rail Line, a general review of these parcels, the commercial outparcel will realistically only have one (1) acre of developable land to be used as future flex space/retail space. The remaining ~1.5 acres will be dedicated as RCA or as ROW/land for the future roundabout at N. Salem Street / Salem Church Road per the Town's CTP; therefore, the trip generation associated with the commercial outparcel has been decreased from 20,320 sq. ft. to 8,000 sq. ft. of general retail space.
- The study area will now include the intersection of Old Apex Road and Cary Parkway
 - Traffic counts and signal timings from 21-TAR-460 will be utilized for our TIA. All COVID factor adjustment methodology from 21-TAR-460 will be utilized for the existing peak hour traffic volumes at this intersection:
 - Traffic counts were collected in August of 2021 while schools were not in session during the effects of the COVID-19 pandemic. Traffic counts from May of 2019 at this intersection were available from the Town of Cary which were collected when schools were in session. Based on a comparison of grown 2021 counts (May 2019 counts grown to 2021 using a 1% growth rate) and the August 2021 counts, adjustment factors of 1.25 and 1.33 were calculated and applied [to the August 2021 traffic counts] to determine the new weekday AM and PM peak hour traffic volumes, respectively.

The updated site location map, existing lane configurations figure, 2021 existing peak hour traffic volumes figure, and site trip distribution figures are all attached for reference. We will continue moving forward with the TIA per the above outlined methodology. Please let me know if you have any questions/concerns or need any additional information from us at this time.

Thanks!
Michael

Michael Karpinski, PE
Traffic Engineering Project Manager

D 919 987 1300 | T 919 872 5115



From: Priyatham Konda <Priyatham.Konda@townofcary.org>

Sent: Monday, November 8, 2021 12:08 PM

To: Serge Grebenschikov <Serge.Grebenschikov@apexnc.org>; Brennan, Sean P <spbrennan@ncdot.gov>; Walker, Braden M <bmwalker1@ncdot.gov>; Michael Karpinski <MKarpinski@rameykemp.com>; Russell Dalton <Russell.Dalton@apexnc.org>

Cc: Fenner, Edwin F <effenner@ncdot.gov>; Neidringhaus, Amy N <anneidringhaus@ncdot.gov>; Anna Irby <airby@rameykemp.com>; Rob H. Myers <Rob.Myers@townofcary.org>; Luana Deans <Luana.Deans@townofcary.org>; David Spencer <David.Spencer@townofcary.org>; Erin Puckett <Erin.Puckett@townofcary.org>; Rob Wilson

<Rob.Wilson@townofcary.org>

Subject: RE: [External] RE: Laura Duncan Road / N. Salem Street Proposed Development - Apex, NC

Hope everyone had a good weekend! Thank you Russell, Serge, Amy and Sean for your responses. I appreciate each of your attention to our request and I am going to try to consolidate all of the separate threads into this one 😊

Thank you for providing your thought process in determining whether this intersection should be included in the scope. We agree that the intersection of Cary Pkwy and Old Apex Rd is mostly built out and constrained by the railroad ROW on the southside thereby severely limiting any turn lane or improvements at the intersection itself. We have a traffic study (21-TAR-460) that RKA recently completed for another rezoning currently under review with Congestion Management; this study was completed for a multifamily development across from the Garden Supply Co (about 0.75 miles east of Cary Pkwy). The intersection of Cary Pkwy and Old Apex Rd has been included in that TAR (Traffic Analysis Report). Based on that TAR, under the existing conditions the overall LOS is E in the PM peak (with EB and WB approaches failing). Below is a screenshot of the recommended improvements and LOS summary table from 21-TAR-460. As you can see "Option 1" may be challenging for any developer but "Option 2" could be explored. We feel the recommended turn lane extensions and/or other possibilities should be reevaluated with the proposed Laura Duncan Rd development also. RKA could use any or all data from 21-TAR-460 to help reduce the data collection efforts.

Given the proximity of the proposed development in Apex to this intersection, the development being a rezoning and the neighborhood concerns, we feel there is value in studying this intersection to understand any potential improvements (whether they are completed by private developments or others) and acknowledge the deficiencies in the study. So, we would like to request the intersection of Cary Parkway and Old Apex Rd be included in the TIA for the Laura Duncan Rd development.

Please let us know if you would like to discuss our request further.

Thank you all again for your time on this matter!
Priyatham

APPENDIX B

COUNT DATA



TRAFFIC DATA COLLECTION

File Name : Apex(Laura Duncan and Candun)AM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 1

Groups Printed- Cars + - Trucks

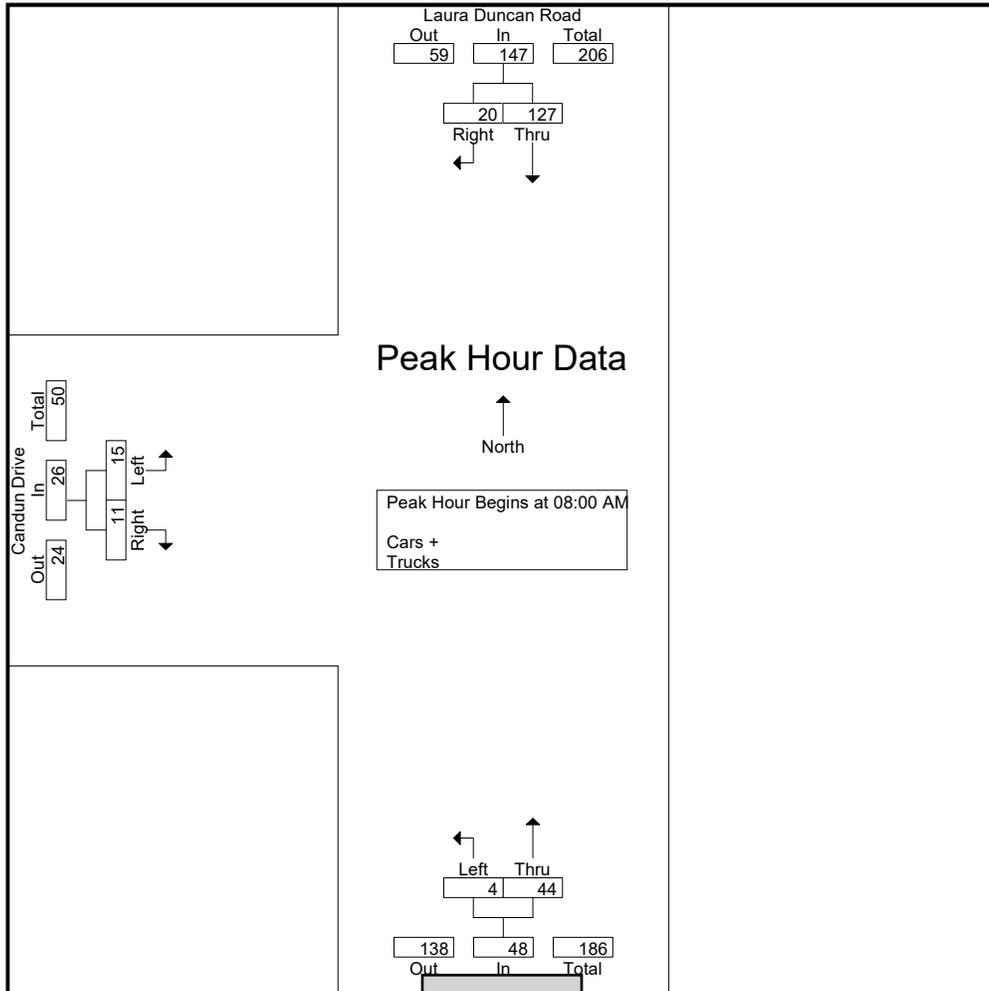
Start Time	Laura Duncan Road Southbound			Laura Duncan Road Northbound			Candun Drive Eastbound			Int. Total
	Right	Thru	App. Total	Thru	Left	App. Total	Right	Left	App. Total	
07:00 AM	0	18	18	12	0	12	0	0	0	30
07:15 AM	0	18	18	7	2	9	0	2	2	29
07:30 AM	2	17	19	7	0	7	0	2	2	28
07:45 AM	2	29	31	15	0	15	0	3	3	49
Total	4	82	86	41	2	43	0	7	7	136
08:00 AM	4	23	27	11	3	14	2	4	6	47
08:15 AM	3	17	20	11	0	11	2	5	7	38
08:30 AM	7	41	48	10	1	11	4	4	8	67
08:45 AM	6	46	52	12	0	12	3	2	5	69
Total	20	127	147	44	4	48	11	15	26	221
Grand Total	24	209	233	85	6	91	11	22	33	357
Apprch %	10.3	89.7		93.4	6.6		33.3	66.7		
Total %	6.7	58.5	65.3	23.8	1.7	25.5	3.1	6.2	9.2	
Cars +	24	208	232	85	6	91	11	22	33	356
% Cars +	100	99.5	99.6	100	100	100	100	100	100	99.7
Trucks	0	1	1	0	0	0	0	0	0	1
% Trucks	0	0.5	0.4	0	0	0	0	0	0	0.3



TRAFFIC DATA COLLECTION

File Name : Apex(Laura Duncan and Candun)AM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 2

Start Time	Laura Duncan Road Southbound			Laura Duncan Road Northbound			Candun Drive Eastbound			Int. Total
	Right	Thru	App. Total	Thru	Left	App. Total	Right	Left	App. Total	
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 08:00 AM										
08:00 AM	4	23	27	11	3	14	2	4	6	47
08:15 AM	3	17	20	11	0	11	2	5	7	38
08:30 AM	7	41	48	10	1	11	4	4	8	67
08:45 AM	6	46	52	12	0	12	3	2	5	69
Total Volume	20	127	147	44	4	48	11	15	26	221
% App. Total	13.6	86.4		91.7	8.3		42.3	57.7		
PHF	.714	.690	.707	.917	.333	.857	.688	.750	.813	.801





TRAFFIC DATA COLLECTION

File Name : Apex(Laura Duncan and Candun)PM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 1

Groups Printed- Cars + - Trucks

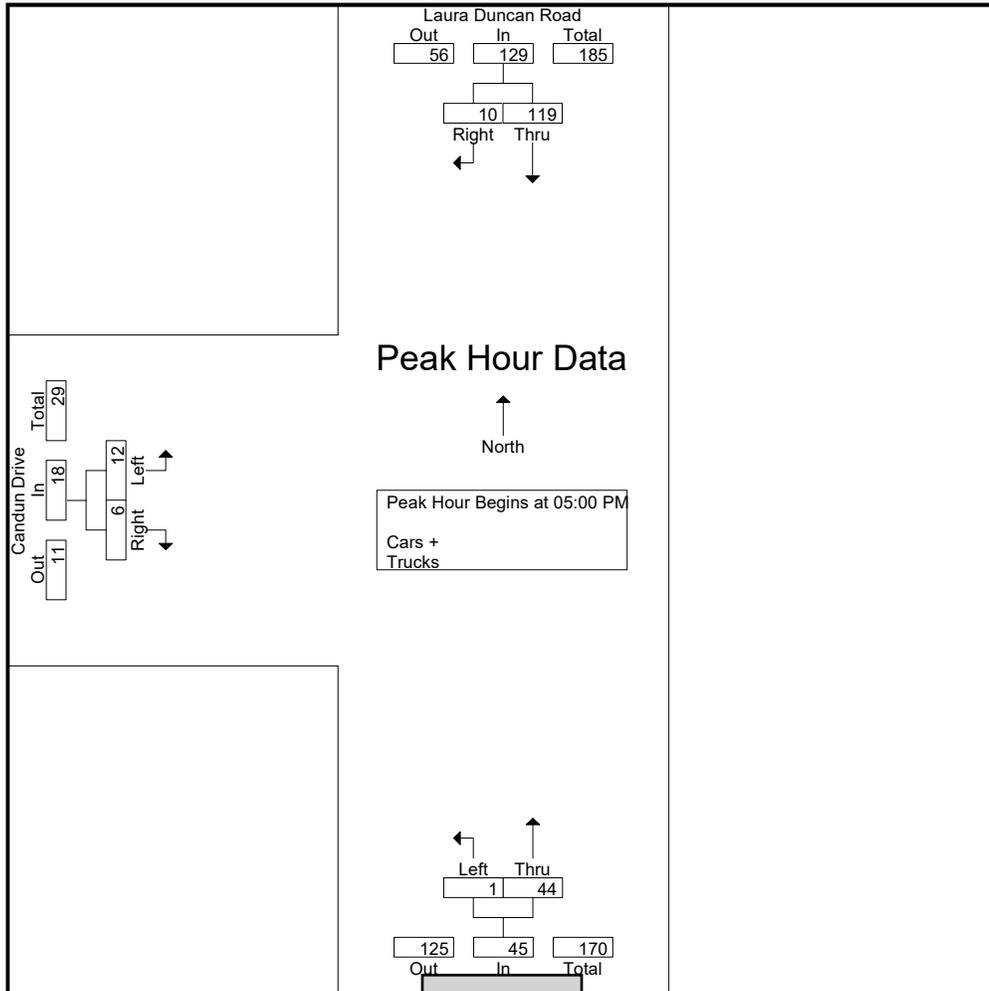
Start Time	Laura Duncan Road Southbound			Laura Duncan Road Northbound			Candun Drive Eastbound			Int. Total
	Right	Thru	App. Total	Thru	Left	App. Total	Right	Left	App. Total	
04:00 PM	2	31	33	16	0	16	1	2	3	52
04:15 PM	5	20	25	22	0	22	2	1	3	50
04:30 PM	1	24	25	18	0	18	1	5	6	49
04:45 PM	1	22	23	9	1	10	1	3	4	37
Total	9	97	106	65	1	66	5	11	16	188
05:00 PM	1	25	26	15	0	15	0	2	2	43
05:15 PM	4	29	33	10	0	10	1	2	3	46
05:30 PM	4	36	40	8	1	9	3	5	8	57
05:45 PM	1	29	30	11	0	11	2	3	5	46
Total	10	119	129	44	1	45	6	12	18	192
Grand Total	19	216	235	109	2	111	11	23	34	380
Apprch %	8.1	91.9		98.2	1.8		32.4	67.6		
Total %	5	56.8	61.8	28.7	0.5	29.2	2.9	6.1	8.9	
Cars +	19	216	235	109	2	111	11	23	34	380
% Cars +	100	100	100	100	100	100	100	100	100	100
Trucks	0	0	0	0	0	0	0	0	0	0
% Trucks	0	0	0	0	0	0	0	0	0	0



TRAFFIC DATA COLLECTION

File Name : Apex(Laura Duncan and Candun)PM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 2

Start Time	Laura Duncan Road Southbound			Laura Duncan Road Northbound			Candun Drive Eastbound			Int. Total
	Right	Thru	App. Total	Thru	Left	App. Total	Right	Left	App. Total	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 05:00 PM										
05:00 PM	1	25	26	15	0	15	0	2	2	43
05:15 PM	4	29	33	10	0	10	1	2	3	46
05:30 PM	4	36	40	8	1	9	3	5	8	57
05:45 PM	1	29	30	11	0	11	2	3	5	46
Total Volume	10	119	129	44	1	45	6	12	18	192
% App. Total	7.8	92.2		97.8	2.2		33.3	66.7		
PHF	.625	.826	.806	.733	.250	.750	.500	.600	.563	.842





TRAFFIC DATA COLLECTION

File Name : Apex(Salem and Candun)AM Peak

Site Code :

Start Date : 9/29/2021

Page No : 1

Groups Printed- Cars + - Trucks

Start Time	Candun Drive Southbound			Salem Street Westbound			Salem Street Eastbound			Int. Total
	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	
07:00 AM	0	0	0	2	49	51	111	1	112	163
07:15 AM	1	0	1	0	84	84	134	5	139	224
07:30 AM	1	0	1	2	94	96	165	1	166	263
07:45 AM	2	0	2	1	154	155	152	3	155	312
Total	4	0	4	5	381	386	562	10	572	962
08:00 AM	3	2	5	0	102	102	145	4	149	256
08:15 AM	3	0	3	2	82	84	118	6	124	211
08:30 AM	5	1	6	1	94	95	115	4	119	220
08:45 AM	4	0	4	1	105	106	123	3	126	236
Total	15	3	18	4	383	387	501	17	518	923
Grand Total	19	3	22	9	764	773	1063	27	1090	1885
Apprch %	86.4	13.6		1.2	98.8		97.5	2.5		
Total %	1	0.2	1.2	0.5	40.5	41	56.4	1.4	57.8	
Cars +	19	3	22	9	764	773	1063	27	1090	1885
% Cars +	100	100	100	100	100	100	100	100	100	100
Trucks	0	0	0	0	0	0	0	0	0	0
% Trucks	0	0	0	0	0	0	0	0	0	0



TRAFFIC DATA COLLECTION

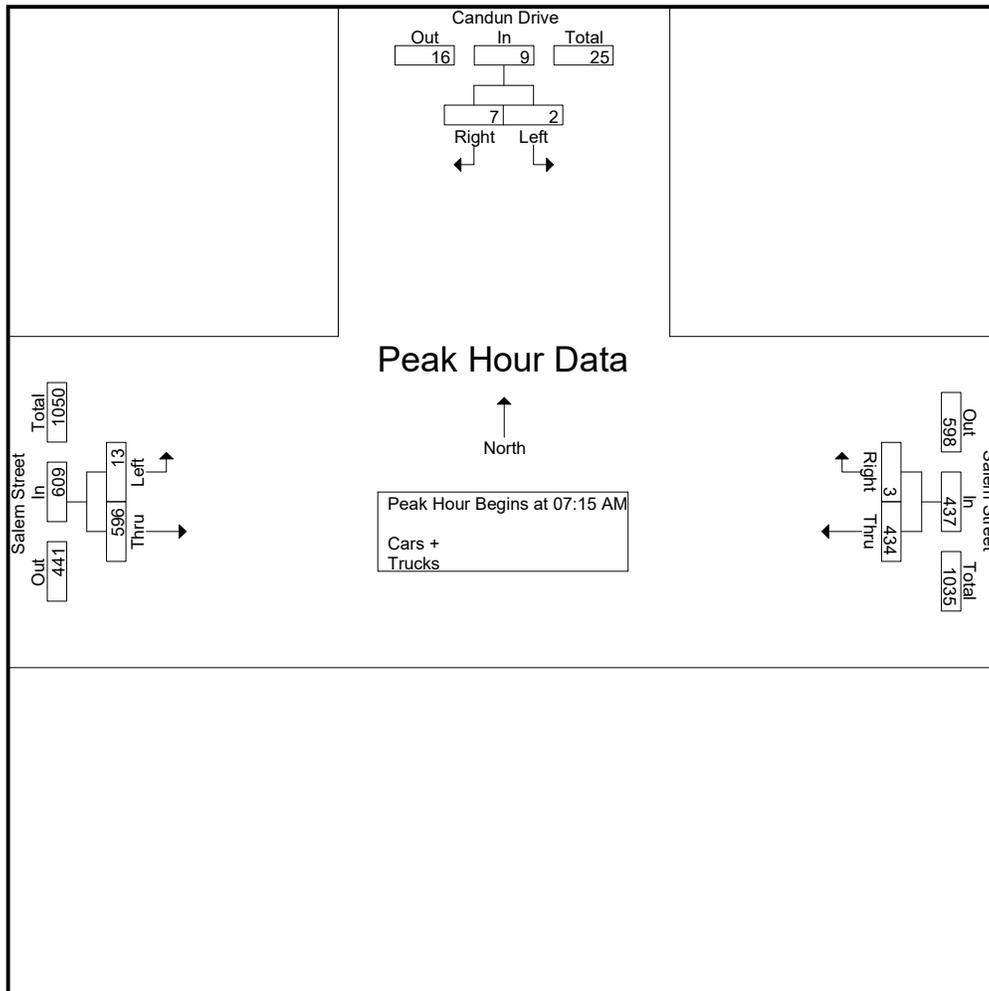
File Name : Apex(Salem and Candun)AM Peak

Site Code :

Start Date : 9/29/2021

Page No : 2

Start Time	Candun Drive Southbound			Salem Street Westbound			Salem Street Eastbound			Int. Total
	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 07:15 AM										
07:15 AM	1	0	1	0	84	84	134	5	139	224
07:30 AM	1	0	1	2	94	96	165	1	166	263
07:45 AM	2	0	2	1	154	155	152	3	155	312
08:00 AM	3	2	5	0	102	102	145	4	149	256
Total Volume	7	2	9	3	434	437	596	13	609	1055
% App. Total	77.8	22.2		0.7	99.3		97.9	2.1		
PHF	.583	.250	.450	.375	.705	.705	.903	.650	.917	.845





TRAFFIC DATA COLLECTION

File Name : Apex(Salem and Candun)PM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 1

Groups Printed- Cars + - Trucks

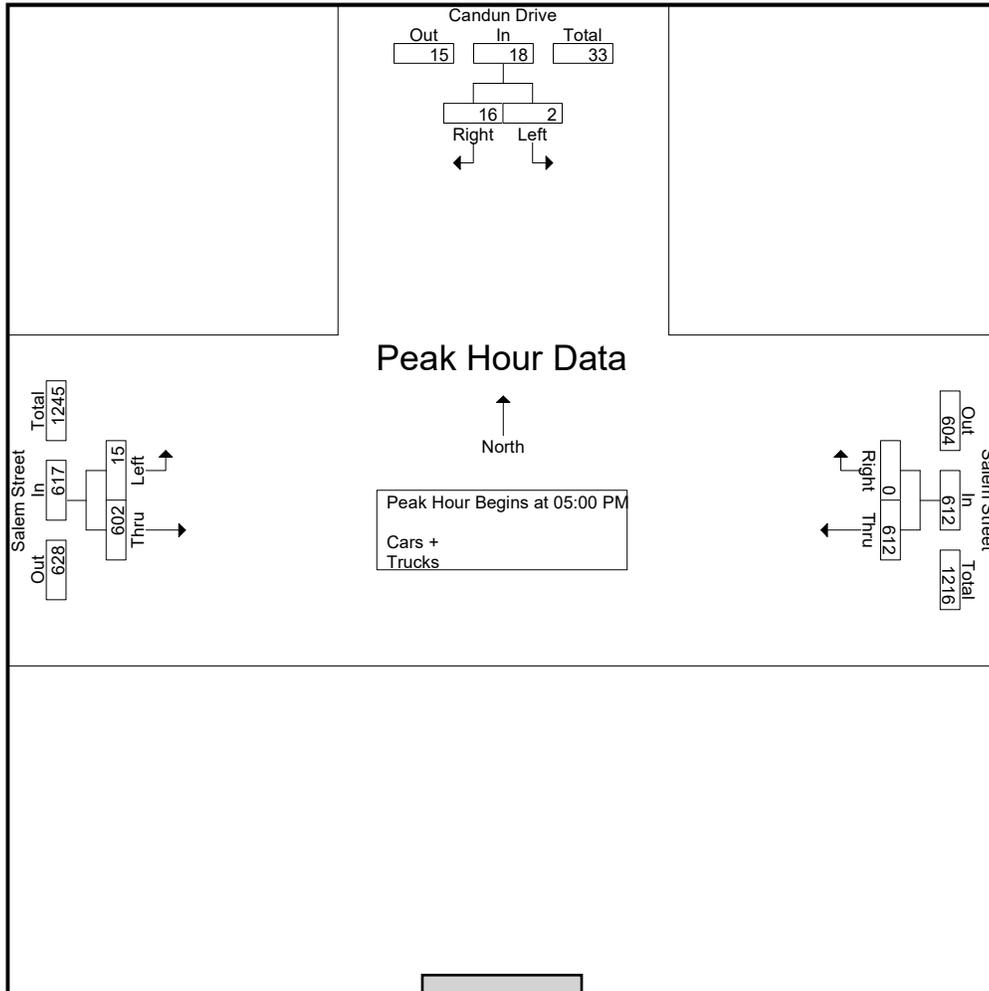
Start Time	Candun Drive Southbound			Salem Street Westbound			Salem Street Eastbound			Int. Total
	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	
04:00 PM	5	2	7	0	130	130	110	2	112	249
04:15 PM	5	0	5	0	156	156	102	4	106	267
04:30 PM	2	0	2	1	136	137	135	3	138	277
04:45 PM	2	2	4	0	138	138	122	3	125	267
Total	14	4	18	1	560	561	469	12	481	1060
05:00 PM	3	1	4	0	151	151	127	2	129	284
05:15 PM	6	0	6	0	155	155	175	1	176	337
05:30 PM	5	0	5	0	170	170	154	9	163	338
05:45 PM	2	1	3	0	136	136	146	3	149	288
Total	16	2	18	0	612	612	602	15	617	1247
Grand Total	30	6	36	1	1172	1173	1071	27	1098	2307
Apprch %	83.3	16.7		0.1	99.9		97.5	2.5		
Total %	1.3	0.3	1.6	0	50.8	50.8	46.4	1.2	47.6	
Cars +	30	6	36	1	1172	1173	1071	27	1098	2307
% Cars +	100	100	100	100	100	100	100	100	100	100
Trucks	0	0	0	0	0	0	0	0	0	0
% Trucks	0	0	0	0	0	0	0	0	0	0



TRAFFIC DATA COLLECTION

File Name : Apex(Salem and Candun)PM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 2

Start Time	Candun Drive Southbound			Salem Street Westbound			Salem Street Eastbound			Int. Total
	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 05:00 PM										
05:00 PM	3	1	4	0	151	151	127	2	129	284
05:15 PM	6	0	6	0	155	155	175	1	176	337
05:30 PM	5	0	5	0	170	170	154	9	163	338
05:45 PM	2	1	3	0	136	136	146	3	149	288
Total Volume	16	2	18	0	612	612	602	15	617	1247
% App. Total	88.9	11.1		0	100		97.6	2.4		
PHF	.667	.500	.750	.000	.900	.900	.860	.417	.876	.922





TRAFFIC DATA COLLECTION

File Name : Apex(Salem and Laura Duncan)AM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 1

Groups Printed- Cars + - Trucks

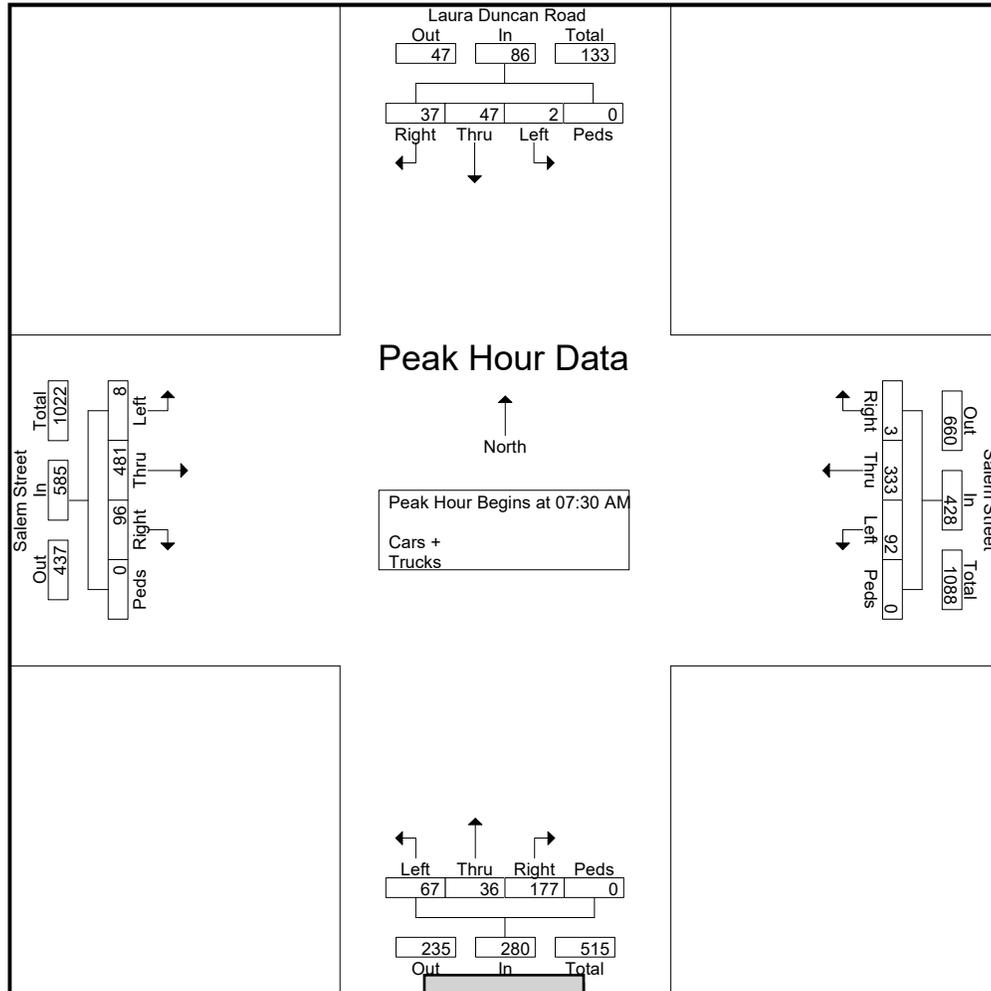
Start Time	Laura Duncan Road Southbound					Salem Street Westbound					Laura Duncan Road Northbound					Salem Street Eastbound					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
07:00 AM	0	18	0	0	18	1	44	35	0	80	27	8	7	0	42	43	66	1	0	110	250
07:15 AM	9	10	0	0	19	0	60	29	0	89	37	8	15	0	60	30	102	1	0	133	301
07:30 AM	8	8	0	0	16	0	74	24	0	98	38	4	14	0	56	21	142	1	0	164	334
07:45 AM	17	13	1	0	31	3	114	24	0	141	44	9	24	0	77	26	122	2	0	150	399
Total	34	49	1	0	84	4	292	112	0	408	146	29	60	0	235	120	432	5	0	557	1284
08:00 AM	10	14	0	0	24	0	76	22	0	98	34	13	16	0	63	26	125	3	0	154	339
08:15 AM	2	12	1	0	15	0	69	22	0	91	61	10	13	0	84	23	92	2	0	117	307
08:30 AM	14	30	0	2	46	1	62	35	1	99	36	10	16	0	62	23	81	2	0	106	313
08:45 AM	9	36	2	3	50	1	67	29	25	122	59	14	30	0	103	27	90	1	0	118	393
Total	35	92	3	5	135	2	274	108	26	410	190	47	75	0	312	99	388	8	0	495	1352
Grand Total	69	141	4	5	219	6	566	220	26	818	336	76	135	0	547	219	820	13	0	1052	2636
Apprch %	31.5	64.4	1.8	2.3		0.7	69.2	26.9	3.2		61.4	13.9	24.7	0		20.8	77.9	1.2	0		
Total %	2.6	5.3	0.2	0.2	8.3	0.2	21.5	8.3	1	31	12.7	2.9	5.1	0	20.8	8.3	31.1	0.5	0	39.9	
Cars +	69	141	4	5	219	6	566	220	26	818	336	76	135	0	547	219	820	13	0	1052	2636
% Cars +	100	100	100	100	100	100	100	100	100	100	100	100	100	0	100	100	100	100	0	100	100
Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



TRAFFIC DATA COLLECTION

File Name : Apex(Salem and Laura Duncan)AM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 2

Start Time	Laura Duncan Road Southbound					Salem Street Westbound					Laura Duncan Road Northbound					Salem Street Eastbound					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:30 AM																					
07:30 AM	8	8	0	0	16	0	74	24	0	98	38	4	14	0	56	21	142	1	0	164	334
07:45 AM	17	13	1	0	31	3	114	24	0	141	44	9	24	0	77	26	122	2	0	150	399
08:00 AM	10	14	0	0	24	0	76	22	0	98	34	13	16	0	63	26	125	3	0	154	339
08:15 AM	2	12	1	0	15	0	69	22	0	91	61	10	13	0	84	23	92	2	0	117	307
Total Volume	37	47	2	0	86	3	333	92	0	428	177	36	67	0	280	96	481	8	0	585	1379
% App. Total	4.3	54.7	2.3	0		0.7	77.8	21.5	0		63.2	12.9	23.9	0		16.4	82.2	1.4	0		
PHF	.544	.839	.500	.000	.694	.250	.730	.958	.000	.759	.725	.692	.698	.000	.833	.923	.847	.667	.000	.892	.864





TRAFFIC DATA COLLECTION

File Name : Apex(Salem and Laura Duncan)PM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 1

Groups Printed- Cars + - Trucks

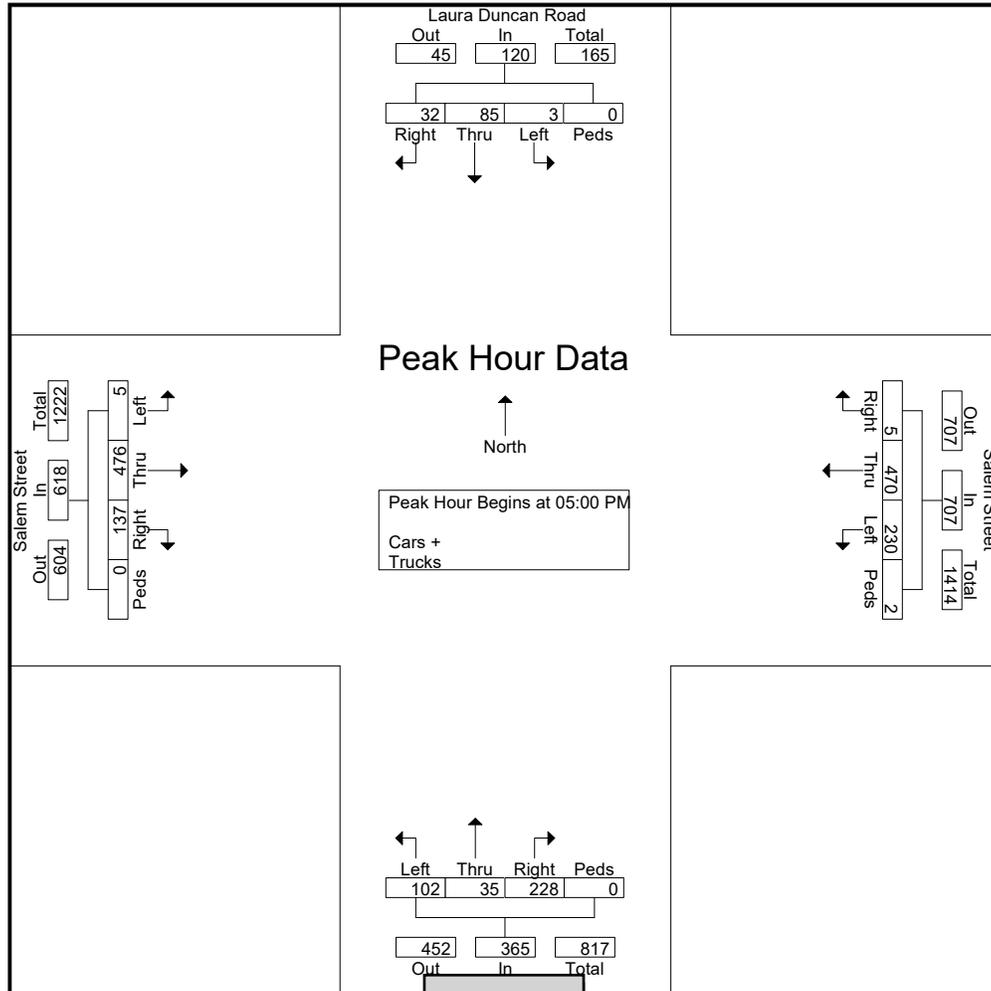
Start Time	Laura Duncan Road Southbound					Salem Street Westbound					Laura Duncan Road Northbound					Salem Street Eastbound					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
04:00 PM	2	26	2	1	31	0	79	51	1	131	70	14	41	0	125	26	73	4	0	103	390
04:15 PM	6	15	0	0	21	3	118	45	0	166	57	17	31	0	105	19	82	2	0	103	395
04:30 PM	3	19	3	0	25	3	106	41	0	150	50	16	27	0	93	26	108	2	0	136	404
04:45 PM	7	16	1	1	25	0	106	51	1	158	62	10	23	0	95	17	101	0	0	118	396
Total	18	76	6	2	102	6	409	188	2	605	239	57	122	0	418	88	364	8	0	460	1585
05:00 PM	9	15	0	0	24	3	114	47	2	166	55	10	27	0	92	20	102	2	0	124	406
05:15 PM	12	15	1	0	28	1	114	59	0	174	52	7	28	0	87	32	136	1	0	169	458
05:30 PM	7	28	1	0	36	1	133	71	0	205	54	6	24	0	84	39	134	2	0	175	500
05:45 PM	4	27	1	0	32	0	109	53	0	162	67	12	23	0	102	46	104	0	0	150	446
Total	32	85	3	0	120	5	470	230	2	707	228	35	102	0	365	137	476	5	0	618	1810
Grand Total	50	161	9	2	222	11	879	418	4	1312	467	92	224	0	783	225	840	13	0	1078	3395
Apprch %	22.5	72.5	4.1	0.9		0.8	67	31.9	0.3		59.6	11.7	28.6	0		20.9	77.9	1.2	0		
Total %	1.5	4.7	0.3	0.1	6.5	0.3	25.9	12.3	0.1	38.6	13.8	2.7	6.6	0	23.1	6.6	24.7	0.4	0	31.8	
Cars +	50	161	9	2	222	11	879	418	4	1312	467	92	224	0	783	225	840	13	0	1078	3395
% Cars +	100	100	100	100	100	100	100	100	100	100	100	100	100	0	100	100	100	100	0	100	100
Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



TRAFFIC DATA COLLECTION

File Name : Apex(Salem and Laura Duncan)PM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 2

Start Time	Laura Duncan Road Southbound					Salem Street Westbound					Laura Duncan Road Northbound					Salem Street Eastbound					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 05:00 PM																					
05:00 PM	9	15	0	0	24	3	114	47	2	166	55	10	27	0	92	20	102	2	0	124	406
05:15 PM	12	15	1	0	28	1	114	59	0	174	52	7	28	0	87	32	136	1	0	169	458
05:30 PM	7	28	1	0	36	1	133	71	0	205	54	6	24	0	84	39	134	2	0	175	500
05:45 PM	4	27	1	0	32	0	109	53	0	162	67	12	23	0	102	46	104	0	0	150	446
Total Volume	32	85	3	0	120	5	470	230	2	707	228	35	102	0	365	137	476	5	0	618	1810
% App. Total	26.7	70.8	2.5	0		0.7	66.5	32.5	0.3		62.5	9.6	27.9	0		22.2	77	0.8	0		
PHF	.667	.759	.750	.000	.833	.417	.883	.810	.250	.862	.851	.729	.911	.000	.895	.745	.875	.625	.000	.883	.905





TRAFFIC DATA COLLECTION

File Name : Apex(Salem and Salem Church)AM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 1

Groups Printed- Cars + - Trucks

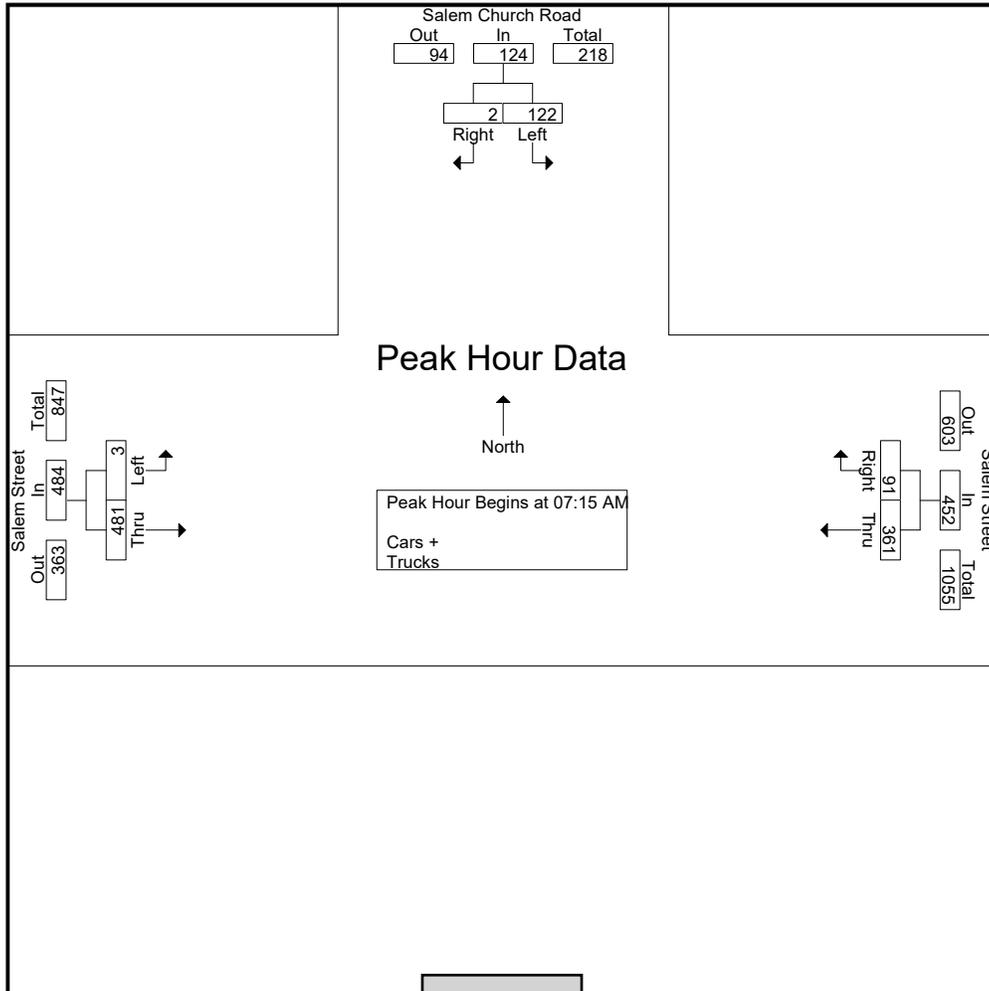
Start Time	Salem Church Road Southbound			Salem Street Westbound			Salem Street Eastbound			Int. Total
	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	
07:00 AM	0	30	30	10	40	50	81	0	81	161
07:15 AM	0	28	28	15	74	89	111	0	111	228
07:30 AM	1	24	25	22	78	100	137	3	140	265
07:45 AM	1	31	32	26	117	143	121	0	121	296
Total	2	113	115	73	309	382	450	3	453	950
08:00 AM	0	39	39	28	92	120	112	0	112	271
08:15 AM	1	31	32	16	64	80	95	0	95	207
08:30 AM	1	19	20	21	70	91	110	1	111	222
08:45 AM	3	25	28	29	77	106	94	3	97	231
Total	5	114	119	94	303	397	411	4	415	931
Grand Total	7	227	234	167	612	779	861	7	868	1881
Apprch %	3	97		21.4	78.6		99.2	0.8		
Total %	0.4	12.1	12.4	8.9	32.5	41.4	45.8	0.4	46.1	
Cars +	7	227	234	166	610	776	856	7	863	1873
% Cars +	100	100	100	99.4	99.7	99.6	99.4	100	99.4	99.6
Trucks	0	0	0	1	2	3	5	0	5	8
% Trucks	0	0	0	0.6	0.3	0.4	0.6	0	0.6	0.4



TRAFFIC DATA COLLECTION

File Name : Apex(Salem and Salem Church)AM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 2

Start Time	Salem Church Road Southbound			Salem Street Westbound			Salem Street Eastbound			Int. Total
	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 07:15 AM										
07:15 AM	0	28	28	15	74	89	111	0	111	228
07:30 AM	1	24	25	22	78	100	137	3	140	265
07:45 AM	1	31	32	26	117	143	121	0	121	296
08:00 AM	0	39	39	28	92	120	112	0	112	271
Total Volume	2	122	124	91	361	452	481	3	484	1060
% App. Total	1.6	98.4		20.1	79.9		99.4	0.6		
PHF	.500	.782	.795	.813	.771	.790	.878	.250	.864	.895





TRAFFIC DATA COLLECTION

File Name : Apex(Salem and Salem Church)PM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 1

Groups Printed- Cars + - Trucks

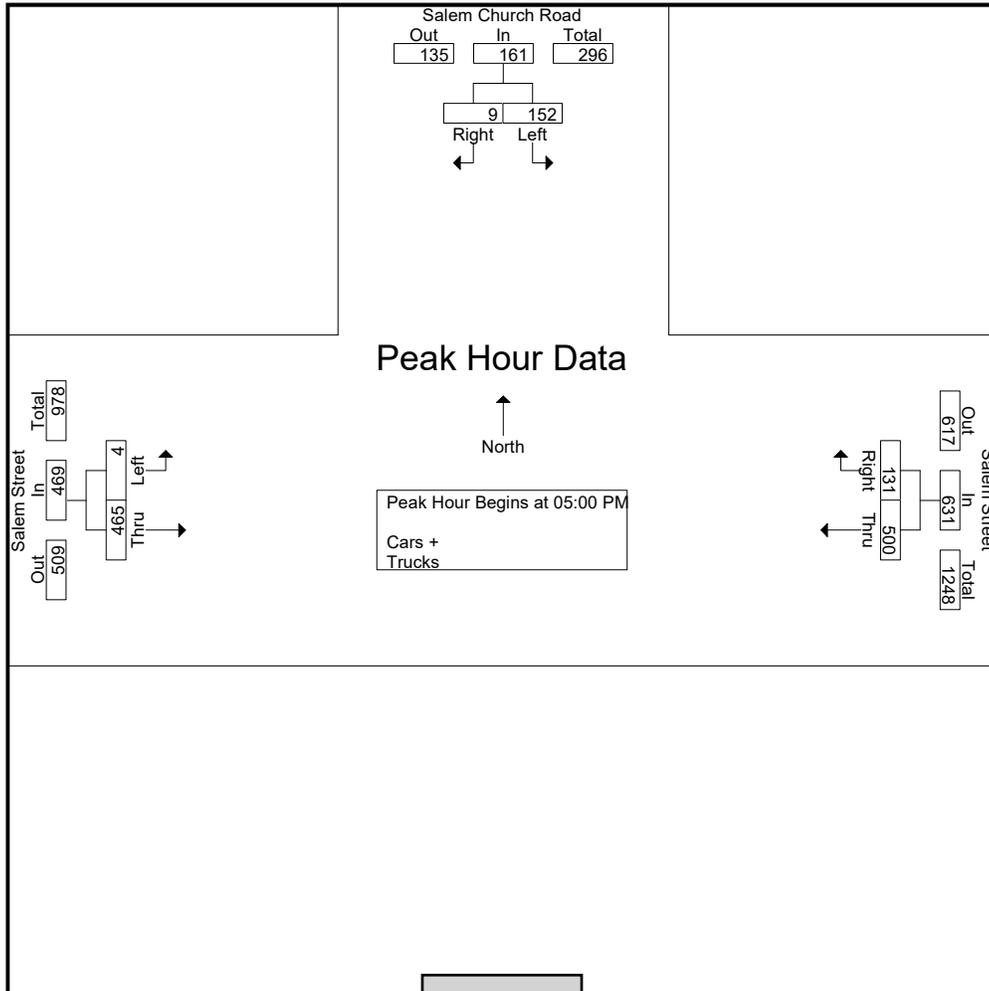
Start Time	Salem Church Road Southbound			Salem Street Westbound			Salem Street Eastbound			Int. Total
	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	
04:00 PM	2	32	34	38	103	141	83	2	85	260
04:15 PM	1	20	21	35	135	170	79	1	80	271
04:30 PM	2	17	19	31	116	147	123	5	128	294
04:45 PM	1	30	31	41	108	149	92	0	92	272
Total	6	99	105	145	462	607	377	8	385	1097
05:00 PM	4	34	38	30	128	158	91	2	93	289
05:15 PM	2	39	41	32	134	166	136	1	137	344
05:30 PM	2	42	44	36	132	168	122	1	123	335
05:45 PM	1	37	38	33	106	139	116	0	116	293
Total	9	152	161	131	500	631	465	4	469	1261
Grand Total	15	251	266	276	962	1238	842	12	854	2358
Apprch %	5.6	94.4		22.3	77.7		98.6	1.4		
Total %	0.6	10.6	11.3	11.7	40.8	52.5	35.7	0.5	36.2	
Cars +	15	251	266	276	959	1235	839	12	851	2352
% Cars +	100	100	100	100	99.7	99.8	99.6	100	99.6	99.7
Trucks	0	0	0	0	3	3	3	0	3	6
% Trucks	0	0	0	0	0.3	0.2	0.4	0	0.4	0.3

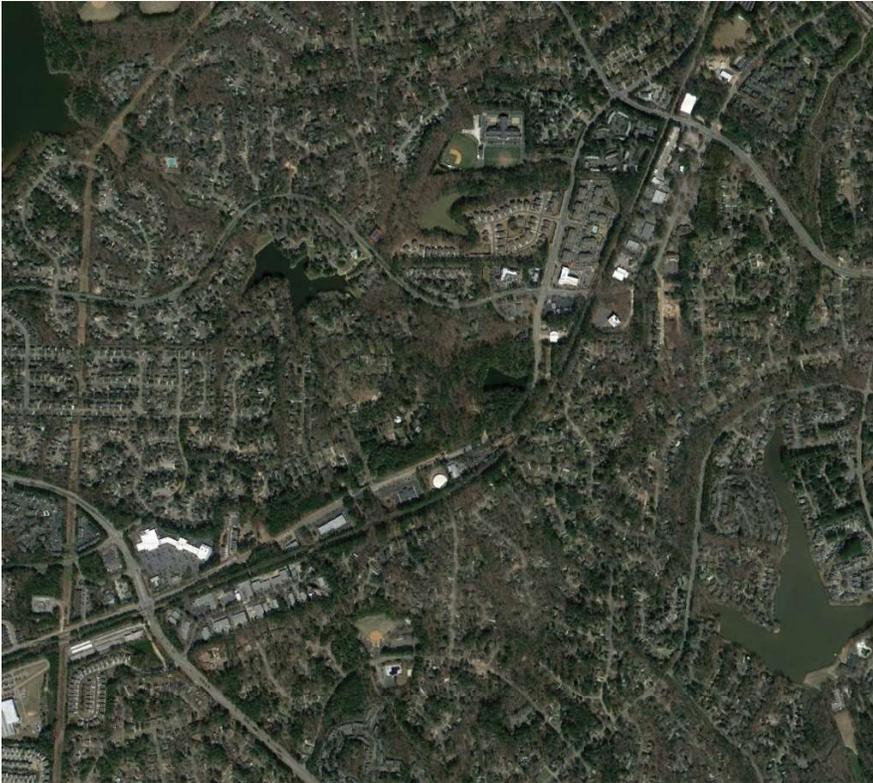


TRAFFIC DATA COLLECTION

File Name : Apex(Salem and Salem Church)PM Peak
 Site Code :
 Start Date : 9/29/2021
 Page No : 2

Start Time	Salem Church Road Southbound			Salem Street Westbound			Salem Street Eastbound			Int. Total
	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 05:00 PM										
05:00 PM	4	34	38	30	128	158	91	2	93	289
05:15 PM	2	39	41	32	134	166	136	1	137	344
05:30 PM	2	42	44	36	132	168	122	1	123	335
05:45 PM	1	37	38	33	106	139	116	0	116	293
Total Volume	9	152	161	131	500	631	465	4	469	1261
% App. Total	5.6	94.4		20.8	79.2		99.1	0.9		
PHF	.563	.905	.915	.910	.933	.939	.855	.500	.856	.916





1412 Old Apex Road Residential
(21 - TAR - 460) Final Draft
Traffic Impact Analysis
Cary, North Carolina

TRAFFIC ANALYSIS REPORT

FOR

1412 OLD APEX ROAD MULTIFAMILY (21-TAR-460)

LOCATED

IN

CARY, NORTH CAROLINA

Prepared For:
Town of Cary
316 N. Academy Street
Cary, NC 27512

Prepared By:
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609
License #C-0910

October 2021

RKA Project No. 21486

Prepared By: MLS

Reviewed By: JTR

2. 2021 EXISTING PEAK HOUR CONDITIONS

2.1. 2021 Existing Peak Hour Traffic Volumes

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in August of 2021 by Burns Service, Inc. during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods, while schools were not in session:

- Old Apex Road and NW Maynard Road
- Old Apex Road and W Chatham Street
- Old Apex Road and Garden Supply Company Driveway
- Old Apex Road and SW Cary Parkway
- W Chatham Street and Solstice Circle

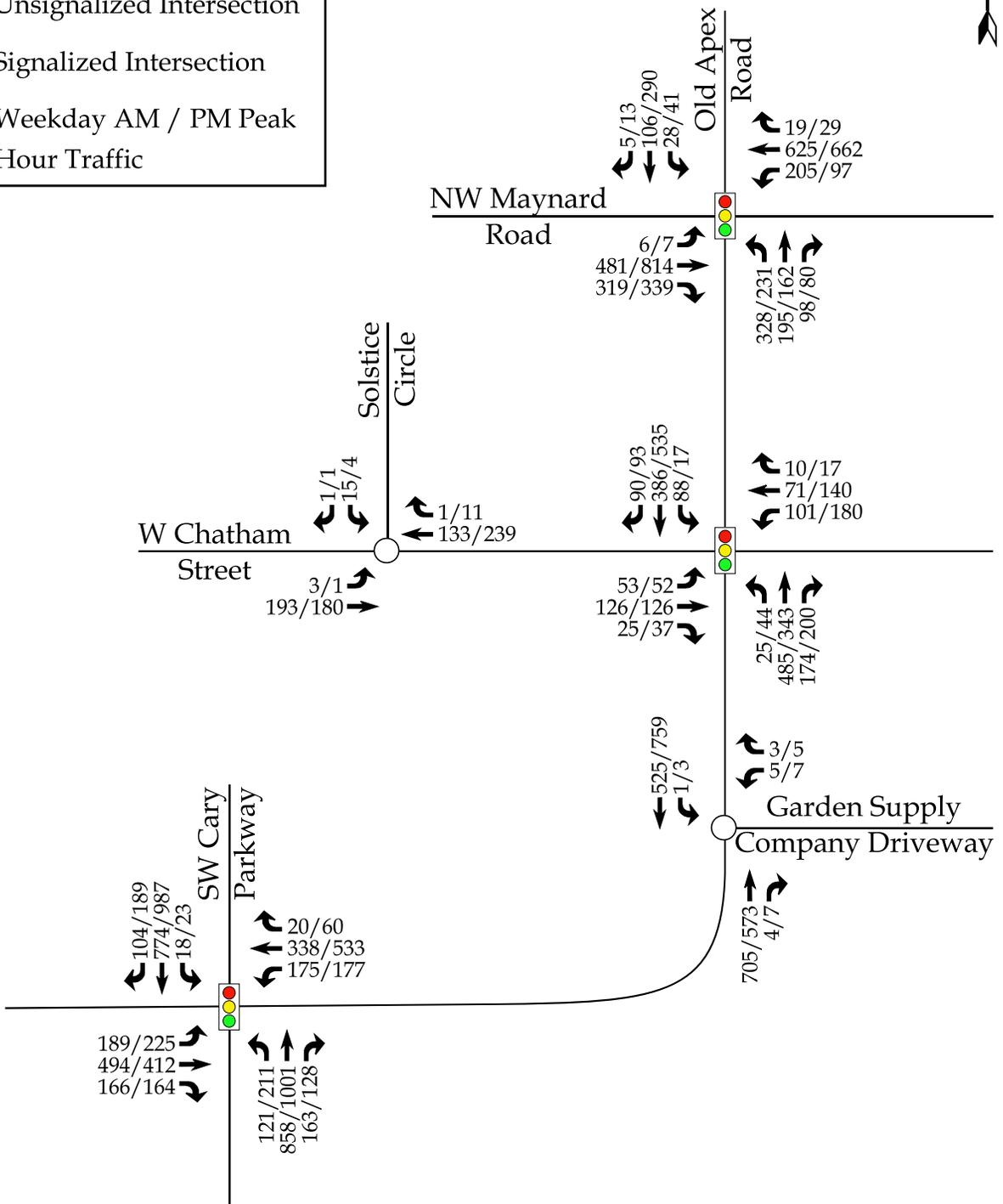
It should be noted that this data was collected prior to schools being in session and during the effects of the COVID-19 pandemic. Count data at the intersection of SW Cary Parkway and Old Apex Road was available via the Town of Cary Traffic Count Database from May of 2019, while schools were in session.

An adjustment factor to apply to the 2021 data was determined based on changes in traffic patterns at the study intersection of SW Cary Parkway and Old Apex Road between May of 2019 (prior to the effect of COVID-19 pandemic) and August of 2021. Based on a comparison of grown 2021 counts (grown from 2019 to 2021 using a 1% annually compounded growth rate) and new 2021 counts, an adjustment factor of 1.25 was applied to the new weekday AM counts and a factor of 1.33 was applied to the new weekday PM counts.

Imbalances between study intersections were determined to be reasonable based on development driveways between study intersections. Refer to Figure 4 for 2021 existing weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

LEGEND

- Unsignalized Intersection
- 🚦 Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



<p>Moving forward. RKA RAMEY KEMP ASSOCIATES</p>	<p>Old Apex Road Multifamily (21-TAR-460) Cary, NC</p>	<p>2021 Existing Peak Hour Traffic</p>	
		<p>Scale: Not to Scale</p>	<p>Figure 4</p>

APPENDIX C

SIGNAL INFORMATION

Morgan Rosamond

From: Michael Karpinski
Sent: Tuesday, October 5, 2021 4:26 PM
To: Morgan Rosamond
Subject: FW: Signal Timings Request - North Salem Street / Laura Duncan Road
Attachments: 051487-20150526g.pdf

Michael Karpinski, PE
Traffic Engineering Project Manager

D 919 987 1300 | T 919 872 5115



From: Tom Reilly <Tom.Reilly@townofcary.org>
Sent: Tuesday, October 5, 2021 2:27 PM
To: Michael Karpinski <MKarpinski@rameykemp.com>; David Spencer <David.Spencer@townofcary.org>
Cc: Chris Little <Chris.Little@townofcary.org>; Anna Irby <airby@rameykemp.com>
Subject: RE: Signal Timings Request - North Salem Street / Laura Duncan Road

Michael,

Sorry for the delay. In the AM we are in free run operation with a MAX 2 time of 65 seconds on phase 8. The PM coordination plans are:

Offset 105 01-40sec 02-55sec 04-60sec 06-100sec 08-60sec

If you need additional information, please let me know.

Thanks,

Tom Reilly
Traffic Signal System Specialist
Cary - Transportation Department
(919)469-4203

Please note that emails to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Michael Karpinski <MKarpinski@rameykemp.com>
Sent: Tuesday, October 5, 2021 1:37 PM
To: David Spencer <David.Spencer@townofcary.org>; Tom Reilly <Tom.Reilly@townofcary.org>

APPENDIX D

CAPACITY ANALYSIS CALCULATIONS

N. Salem Street/Old Apex Road

&

Laura Duncan Road

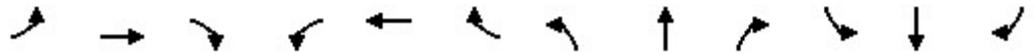
Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2021 Existing
 Timing Plan: AM Peak Hour

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	9	494	99	92	333	4	67	36	177	4	77	59
Future Volume (vph)	9	494	99	92	333	4	67	36	177	4	77	59
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-3%			1%			-8%			-1%	
Storage Length (ft)	100		0	200		0	0		0	125		0
Storage Lanes	1		0	1		1	0		0	1		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.975				0.850		0.914			0.935	
Fl _t Protected	0.950			0.950				0.988		0.950		
Satd. Flow (prot)	1796	1843	0	1761	1853	1575	0	1749	0	1778	1750	0
Fl _t Permitted	0.525			0.184				0.877		0.439		
Satd. Flow (perm)	993	1843	0	341	1853	1575	0	1553	0	822	1750	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		15				12		97			43	
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		460			2106			1115			350	
Travel Time (s)		7.0			31.9			16.9			5.3	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	10	549	110	102	370	4	74	40	197	4	86	66
Shared Lane Traffic (%)												
Lane Group Flow (vph)	10	659	0	102	370	4	0	311	0	4	152	0
Turn Type	D.Pm	NA		D.P+P	NA	Perm	Perm	NA		Perm	NA	
Protected Phases		2		1	6			4			8	
Permitted Phases	6			2		6	4			8		
Detector Phase	6	2		1	6	6	4	4		8	8	
Switch Phase												
Minimum Initial (s)	12.0	12.0		7.0	12.0	12.0	7.0	7.0		7.0	7.0	
Minimum Split (s)	21.0	18.0		12.0	21.0	21.0	11.0	11.0		21.0	21.0	
Total Split (s)	59.0	47.0		12.0	59.0	59.0	31.0	31.0		31.0	31.0	
Total Split (%)	65.6%	52.2%		13.3%	65.6%	65.6%	34.4%	34.4%		34.4%	34.4%	
Maximum Green (s)	53.2	41.2		7.2	53.2	53.2	27.0	27.0		27.0	27.0	
Yellow Time (s)	4.8	4.8		3.0	4.8	4.8	3.0	3.0		3.0	3.0	
All-Red Time (s)	1.0	1.0		1.8	1.0	1.0	1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	-0.8	-0.8		0.2	-0.8	-0.8		1.0		1.0	1.0	
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0		5.0		5.0	5.0	
Lead/Lag		Lead		Lag								
Lead-Lag Optimize?		Yes		Yes								
Vehicle Extension (s)	6.0	6.0		2.0	6.0	6.0	2.0	2.0		3.0	3.0	
Minimum Gap (s)	3.2	3.2		2.0	3.2	3.2	2.0	2.0		3.0	3.0	
Time Before Reduce (s)	15.0	15.0		0.0	15.0	15.0	0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	30.0	30.0	0.0	0.0		0.0	0.0	
Recall Mode	Min	Min		None	Min	Min	None	None		None	None	
Walk Time (s)	4.0				4.0	4.0				4.0	4.0	
Flash Dont Walk (s)	11.0				11.0	11.0				13.0	13.0	
Pedestrian Calls (#/hr)	0				0	0				0	0	
Act Effct Green (s)	35.7	27.0		34.9	35.7	35.7		13.6		13.6	13.6	
Actuated g/C Ratio	0.59	0.44		0.57	0.59	0.59		0.22		0.22	0.22	

Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2021 Existing
 Timing Plan: AM Peak Hour

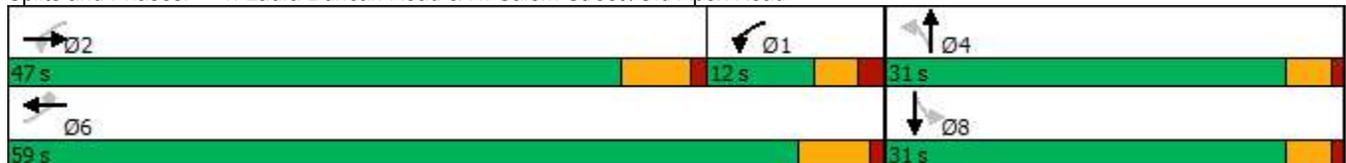


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.02	0.80		0.27	0.34	0.00		0.74		0.02	0.36	
Control Delay	6.1	24.0		11.9	7.6	1.5		28.4		22.5	19.9	
Queue Delay	0.0	0.0		0.0	0.0	0.0		0.0		0.0	0.0	
Total Delay	6.1	24.0		11.9	7.6	1.5		28.4		22.5	19.9	
LOS	A	C		B	A	A		C		C	B	
Approach Delay		23.7			8.4			28.4			19.9	
Approach LOS		C			A			C			B	
Queue Length 50th (ft)	1	200		13	55	0		73		1	34	
Queue Length 95th (ft)	8	419		41	141	2		191		10	97	
Internal Link Dist (ft)		380			2026			1035			270	
Turn Bay Length (ft)	100			200						125		
Base Capacity (vph)	841	1306		385	1569	1336		816		406	886	
Starvation Cap Reductn	0	0		0	0	0		0		0	0	
Spillback Cap Reductn	0	0		0	0	0		0		0	0	
Storage Cap Reductn	0	0		0	0	0		0		0	0	
Reduced v/c Ratio	0.01	0.50		0.26	0.24	0.00		0.38		0.01	0.17	

Intersection Summary

Area Type: Other
 Cycle Length: 90
 Actuated Cycle Length: 60.8
 Natural Cycle: 60
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.80
 Intersection Signal Delay: 19.7
 Intersection LOS: B
 Intersection Capacity Utilization 78.6%
 ICU Level of Service D
 Analysis Period (min) 15

Splits and Phases: 1: Laura Duncan Road & N. Salem Street /Old Apex Road



Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2021 Existing
 Timing Plan: AM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↗		↖	↗	↗		↕		↖	↗	
Traffic Volume (vph)	5	476	137	230	480	5	102	35	228	4	89	33
Future Volume (vph)	5	476	137	230	480	5	102	35	228	4	89	33
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-3%			1%			-8%			-1%	
Storage Length (ft)	100		0	200		0	0		0	125		0
Storage Lanes	1		0	1		1	0		0	1		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.967				0.850		0.916			0.959	
Fl _t Protected	0.950			0.950				0.986		0.950		
Satd. Flow (prot)	1796	1828	0	1761	1853	1575	0	1750	0	1778	1795	0
Fl _t Permitted	0.387			0.167				0.772		0.378		
Satd. Flow (perm)	732	1828	0	310	1853	1575	0	1370	0	708	1795	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		9				7		57				13
Link Speed (mph)		45			45			45				45
Link Distance (ft)		460			2106			1115				350
Travel Time (s)		7.0			31.9			16.9				5.3
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	6	529	152	256	533	6	113	39	253	4	99	37
Shared Lane Traffic (%)												
Lane Group Flow (vph)	6	681	0	256	533	6	0	405	0	4	136	0
Turn Type	D.Pm	NA		D.P+P	NA	Perm	Perm	NA		Perm	NA	
Protected Phases		2		1	6			4				8
Permitted Phases	6			2		6	4			8		
Detector Phase	6	2		1	6	6	4	4		8		8
Switch Phase												
Minimum Initial (s)	12.0	12.0		7.0	12.0	12.0	7.0	7.0		7.0		7.0
Minimum Split (s)	21.0	18.0		12.0	21.0	21.0	11.0	11.0		21.0		21.0
Total Split (s)	100.0	55.0		40.0	100.0	100.0	60.0	60.0		60.0		60.0
Total Split (%)	62.5%	34.4%		25.0%	62.5%	62.5%	37.5%	37.5%		37.5%		37.5%
Maximum Green (s)	94.2	49.2		35.2	94.2	94.2	56.0	56.0		56.0		56.0
Yellow Time (s)	4.8	4.8		3.0	4.8	4.8	3.0	3.0		3.0		3.0
All-Red Time (s)	1.0	1.0		1.8	1.0	1.0	1.0	1.0		1.0		1.0
Lost Time Adjust (s)	-0.8	-0.8		0.2	-0.8	-0.8		1.0		1.0		1.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0		5.0		5.0		5.0
Lead/Lag		Lead		Lag								
Lead-Lag Optimize?		Yes		Yes								
Vehicle Extension (s)	6.0	6.0		2.0	6.0	6.0	2.0	2.0		3.0		3.0
Minimum Gap (s)	3.2	3.2		2.0	3.2	3.2	2.0	2.0		3.0		3.0
Time Before Reduce (s)	15.0	15.0		0.0	15.0	15.0	0.0	0.0		0.0		0.0
Time To Reduce (s)	30.0	30.0		0.0	30.0	30.0	0.0	0.0		0.0		0.0
Recall Mode	C-Min	C-Min		None	C-Min	C-Min	None	None		None		None
Walk Time (s)	4.0				4.0	4.0				4.0		4.0
Flash Dont Walk (s)	11.0				11.0	11.0				13.0		13.0
Pedestrian Calls (#/hr)	0				0	0				0		0
Act Effct Green (s)	105.8	77.6		100.8	105.8	105.8		44.2		44.2		44.2
Actuated g/C Ratio	0.66	0.48		0.63	0.66	0.66		0.28		0.28		0.28

Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2021 Existing
 Timing Plan: AM Peak Hour

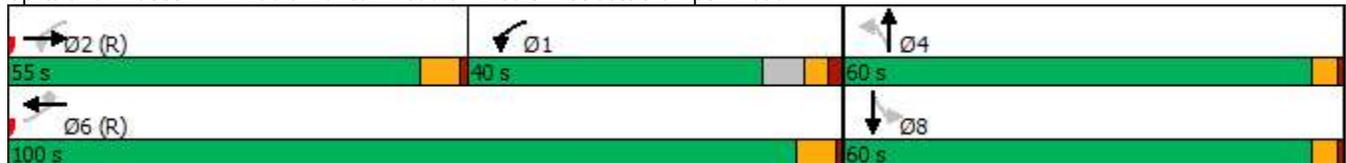


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.01	0.76		0.63	0.44	0.01		0.96		0.02	0.27	
Control Delay	12.8	42.5		29.2	3.9	0.0		84.1		36.5	40.0	
Queue Delay	0.0	0.0		0.0	0.0	0.0		0.0		0.0	0.0	
Total Delay	12.8	42.5		29.2	3.9	0.0		84.1		36.5	40.0	
LOS	B	D		C	A	A		F		D	D	
Approach Delay		42.3			12.0			84.1			39.9	
Approach LOS		D			B			F			D	
Queue Length 50th (ft)	2	573		112	40	0		371		3	100	
Queue Length 95th (ft)	10	#1020		m230	164	m0		477		12	145	
Internal Link Dist (ft)		380			2026			1035			270	
Turn Bay Length (ft)	100			200						125		
Base Capacity (vph)	485	891		590	1229	1047		511		245	629	
Starvation Cap Reductn	0	0		0	0	0		0		0	0	
Spillback Cap Reductn	0	0		0	0	0		0		0	0	
Storage Cap Reductn	0	0		0	0	0		0		0	0	
Reduced v/c Ratio	0.01	0.76		0.43	0.43	0.01		0.79		0.02	0.22	

Intersection Summary

Area Type: Other
 Cycle Length: 160
 Actuated Cycle Length: 160
 Offset: 105 (66%), Referenced to phase 2:EBWB and 6:EBWB, Start of Green
 Natural Cycle: 70
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 0.96
 Intersection Signal Delay: 38.6 Intersection LOS: D
 Intersection Capacity Utilization 91.0% ICU Level of Service E
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.
 m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 1: Laura Duncan Road & N. Salem Street /Old Apex Road



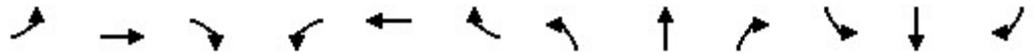
Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2024 No-Build
 Timing Plan: AM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	10	541	108	101	364	4	73	39	193	4	84	64
Future Volume (vph)	10	541	108	101	364	4	73	39	193	4	84	64
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-3%			1%			-8%			-1%	
Storage Length (ft)	100		0	200		0	0		0	125		0
Storage Lanes	1		0	1		1	0		0	1		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.975				0.850		0.915			0.935	
Fl _t Protected	0.950			0.950				0.988		0.950		
Satd. Flow (prot)	1796	1843	0	1761	1853	1575	0	1751	0	1778	1750	0
Fl _t Permitted	0.494			0.149				0.872		0.403		
Satd. Flow (perm)	934	1843	0	276	1853	1575	0	1546	0	754	1750	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		16				12		93			41	
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		460			2106			1115			350	
Travel Time (s)		7.0			31.9			16.9			5.3	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	11	601	120	112	404	4	81	43	214	4	93	71
Shared Lane Traffic (%)												
Lane Group Flow (vph)	11	721	0	112	404	4	0	338	0	4	164	0
Turn Type	D.Pm	NA		D.P+P	NA	Perm	Perm	NA		Perm	NA	
Protected Phases		2		1	6			4			8	
Permitted Phases	6			2		6	4			8		
Detector Phase	6	2		1	6	6	4	4		8	8	
Switch Phase												
Minimum Initial (s)	12.0	12.0		7.0	12.0	12.0	7.0	7.0		7.0	7.0	
Minimum Split (s)	21.0	18.0		12.0	21.0	21.0	11.0	11.0		21.0	21.0	
Total Split (s)	62.0	50.0		12.0	62.0	62.0	28.0	28.0		28.0	28.0	
Total Split (%)	68.9%	55.6%		13.3%	68.9%	68.9%	31.1%	31.1%		31.1%	31.1%	
Maximum Green (s)	56.2	44.2		7.2	56.2	56.2	24.0	24.0		24.0	24.0	
Yellow Time (s)	4.8	4.8		3.0	4.8	4.8	3.0	3.0		3.0	3.0	
All-Red Time (s)	1.0	1.0		1.8	1.0	1.0	1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	-0.8	-0.8		0.2	-0.8	-0.8		1.0		1.0	1.0	
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0		5.0		5.0	5.0	
Lead/Lag		Lead		Lag								
Lead-Lag Optimize?		Yes		Yes								
Vehicle Extension (s)	6.0	6.0		2.0	6.0	6.0	2.0	2.0		3.0	3.0	
Minimum Gap (s)	3.2	3.2		2.0	3.2	3.2	2.0	2.0		3.0	3.0	
Time Before Reduce (s)	15.0	15.0		0.0	15.0	15.0	0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	30.0	30.0	0.0	0.0		0.0	0.0	
Recall Mode	Min	Min		None	Min	Min	None	None		None	None	
Walk Time (s)	4.0				4.0	4.0				4.0	4.0	
Flash Dont Walk (s)	11.0				11.0	11.0				13.0	13.0	
Pedestrian Calls (#/hr)	0				0	0				0	0	
Act Effct Green (s)	40.0	31.4		39.3	40.0	40.0		15.5		15.5	15.5	
Actuated g/C Ratio	0.60	0.47		0.59	0.60	0.60		0.23		0.23	0.23	

Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2024 No-Build
 Timing Plan: AM Peak Hour

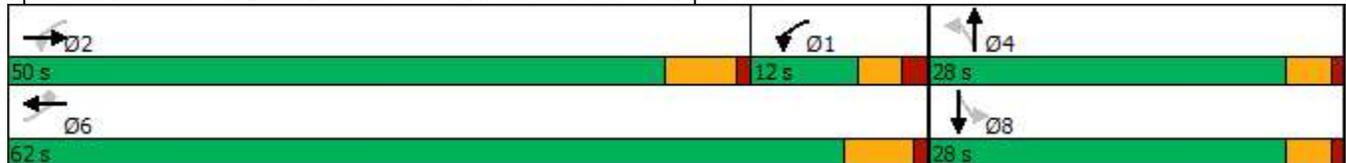


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.02	0.83		0.33	0.37	0.00		0.79		0.02	0.38	
Control Delay	6.1	25.9		16.1	8.0	1.5		34.4		24.8	22.3	
Queue Delay	0.0	0.0		0.0	0.0	0.0		0.0		0.0	0.0	
Total Delay	6.1	25.9		16.1	8.0	1.5		34.4		24.8	22.3	
LOS	A	C		B	A	A		C		C	C	
Approach Delay		25.6			9.7			34.4			22.4	
Approach LOS		C			A			C			C	
Queue Length 50th (ft)	2	256		17	72	0		100		1	44	
Queue Length 95th (ft)	8	465		42	148	2		#238		10	110	
Internal Link Dist (ft)		380			2026			1035			270	
Turn Bay Length (ft)	100			200						125		
Base Capacity (vph)	762	1270		343	1512	1287		674		301	724	
Starvation Cap Reductn	0	0		0	0	0		0		0	0	
Spillback Cap Reductn	0	0		0	0	0		0		0	0	
Storage Cap Reductn	0	0		0	0	0		0		0	0	
Reduced v/c Ratio	0.01	0.57		0.33	0.27	0.00		0.50		0.01	0.23	

Intersection Summary

Area Type: Other
 Cycle Length: 90
 Actuated Cycle Length: 67.1
 Natural Cycle: 65
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.83
 Intersection Signal Delay: 22.3
 Intersection LOS: C
 Intersection Capacity Utilization 83.8%
 ICU Level of Service E
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 1: Laura Duncan Road & N. Salem Street /Old Apex Road



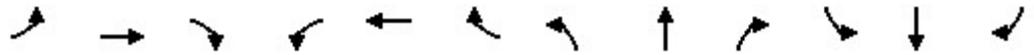
Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2021 Existing
 Timing Plan: AM Peak Hour

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	6	520	150	251	525	5	111	38	249	4	97	36
Future Volume (vph)	6	520	150	251	525	5	111	38	249	4	97	36
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-3%			1%			-8%			-1%	
Storage Length (ft)	100		0	200		0	0		0	125		0
Storage Lanes	1		0	1		1	0		0	1		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.966				0.850		0.915			0.959	
Fl _t Protected	0.950			0.950				0.986		0.950		
Satd. Flow (prot)	1796	1826	0	1761	1853	1575	0	1748	0	1778	1795	0
Fl _t Permitted	0.339			0.058				0.772		0.385		
Satd. Flow (perm)	641	1826	0	107	1853	1575	0	1368	0	721	1795	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		9				7		58			13	
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		460			2106			1115			350	
Travel Time (s)		7.0			31.9			16.9			5.3	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	7	578	167	279	583	6	123	42	277	4	108	40
Shared Lane Traffic (%)												
Lane Group Flow (vph)	7	745	0	279	583	6	0	442	0	4	148	0
Turn Type	D.Pm	NA		D.P+P	NA	Perm	Perm	NA		Perm	NA	
Protected Phases		2		1	6			4			8	
Permitted Phases	6			2		6	4			8		
Detector Phase	6	2		1	6	6	4	4		8	8	
Switch Phase												
Minimum Initial (s)	12.0	12.0		7.0	12.0	12.0	7.0	7.0		7.0	7.0	
Minimum Split (s)	21.0	18.0		12.0	21.0	21.0	11.0	11.0		21.0	21.0	
Total Split (s)	100.0	55.0		40.0	100.0	100.0	60.0	60.0		60.0	60.0	
Total Split (%)	62.5%	34.4%		25.0%	62.5%	62.5%	37.5%	37.5%		37.5%	37.5%	
Maximum Green (s)	94.2	49.2		35.2	94.2	94.2	56.0	56.0		56.0	56.0	
Yellow Time (s)	4.8	4.8		3.0	4.8	4.8	3.0	3.0		3.0	3.0	
All-Red Time (s)	1.0	1.0		1.8	1.0	1.0	1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	-0.8	-0.8		0.2	-0.8	-0.8		1.0		1.0	1.0	
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0		5.0		5.0	5.0	
Lead/Lag		Lead		Lag								
Lead-Lag Optimize?		Yes		Yes								
Vehicle Extension (s)	6.0	6.0		2.0	6.0	6.0	2.0	2.0		3.0	3.0	
Minimum Gap (s)	3.2	3.2		2.0	3.2	3.2	2.0	2.0		3.0	3.0	
Time Before Reduce (s)	15.0	15.0		0.0	15.0	15.0	0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	30.0	30.0	0.0	0.0		0.0	0.0	
Recall Mode	C-Min	C-Min		None	C-Min	C-Min	None	None		None	None	
Walk Time (s)	4.0				4.0	4.0				4.0	4.0	
Flash Dont Walk (s)	11.0				11.0	11.0				13.0	13.0	
Pedestrian Calls (#/hr)	0				0	0				0	0	
Act Effct Green (s)	100.0	69.7		95.0	100.0	100.0		50.0		50.0	50.0	
Actuated g/C Ratio	0.62	0.44		0.59	0.62	0.62		0.31		0.31	0.31	

Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2021 Existing
 Timing Plan: AM Peak Hour

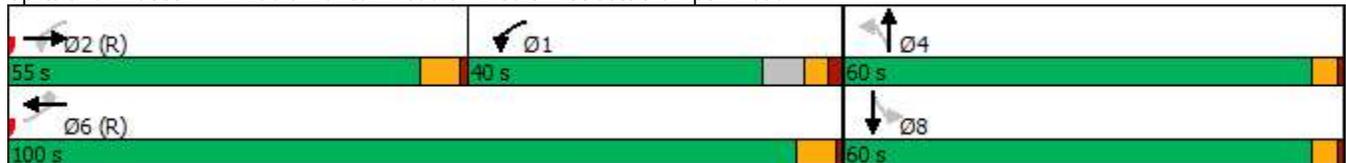


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.02	0.93		0.86	0.50	0.01		0.95		0.02	0.26	
Control Delay	15.0	61.6		59.3	5.9	0.4		75.8		33.2	36.8	
Queue Delay	0.0	0.0		0.0	0.0	0.0		0.0		0.0	0.0	
Total Delay	15.0	61.6		59.3	5.9	0.4		75.8		33.2	36.8	
LOS	B	E		E	A	A		E		C	D	
Approach Delay		61.2			23.0			75.8			36.7	
Approach LOS		E			C			E			D	
Queue Length 50th (ft)	3	738		253	50	0		401		3	105	
Queue Length 95th (ft)	12	#1244		m347	m493	m1		520		12	151	
Internal Link Dist (ft)		380			2026			1035			270	
Turn Bay Length (ft)	100			200						125		
Base Capacity (vph)	406	800		487	1174	1000		519		253	641	
Starvation Cap Reductn	0	0		0	0	0		0		0	0	
Spillback Cap Reductn	0	0		0	0	0		0		0	0	
Storage Cap Reductn	0	0		0	0	0		0		0	0	
Reduced v/c Ratio	0.02	0.93		0.57	0.50	0.01		0.85		0.02	0.23	

Intersection Summary

Area Type: Other
 Cycle Length: 160
 Actuated Cycle Length: 160
 Offset: 105 (66%), Referenced to phase 2:EBWB and 6:EBWB, Start of Green
 Natural Cycle: 70
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 0.95
 Intersection Signal Delay: 47.5
 Intersection LOS: D
 Intersection Capacity Utilization 97.8%
 ICU Level of Service F
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.
 m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 1: Laura Duncan Road & N. Salem Street /Old Apex Road



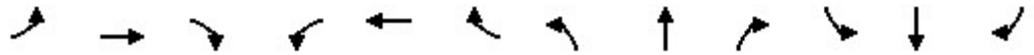
Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2024 Build - Phase 1
 Timing Plan: AM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	13	545	108	101	365	11	73	45	193	29	105	73
Future Volume (vph)	13	545	108	101	365	11	73	45	193	29	105	73
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-3%			1%			-8%			-1%	
Storage Length (ft)	100		0	200		0	0		0	125		0
Storage Lanes	1		0	1		1	0		0	1		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.975				0.850		0.916			0.939	
Fl _t Protected	0.950			0.950				0.988		0.950		
Satd. Flow (prot)	1796	1843	0	1761	1853	1575	0	1753	0	1778	1758	0
Fl _t Permitted	0.487			0.140				0.835		0.406		
Satd. Flow (perm)	921	1843	0	259	1853	1575	0	1482	0	760	1758	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		15				12		89			38	
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		460			2106			1115			350	
Travel Time (s)		7.0			31.9			16.9			5.3	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	14	606	120	112	406	12	81	50	214	32	117	81
Shared Lane Traffic (%)												
Lane Group Flow (vph)	14	726	0	112	406	12	0	345	0	32	198	0
Turn Type	D.Pm	NA		D.P+P	NA	Perm	Perm	NA		Perm	NA	
Protected Phases		2		1	6			4			8	
Permitted Phases	6			2		6	4			8		
Detector Phase	6	2		1	6	6	4	4		8	8	
Switch Phase												
Minimum Initial (s)	12.0	12.0		7.0	12.0	12.0	7.0	7.0		7.0	7.0	
Minimum Split (s)	21.0	18.0		12.0	21.0	21.0	11.0	11.0		21.0	21.0	
Total Split (s)	61.0	49.0		12.0	61.0	61.0	29.0	29.0		29.0	29.0	
Total Split (%)	67.8%	54.4%		13.3%	67.8%	67.8%	32.2%	32.2%		32.2%	32.2%	
Maximum Green (s)	55.2	43.2		7.2	55.2	55.2	25.0	25.0		25.0	25.0	
Yellow Time (s)	4.8	4.8		3.0	4.8	4.8	3.0	3.0		3.0	3.0	
All-Red Time (s)	1.0	1.0		1.8	1.0	1.0	1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	-0.8	-0.8		0.2	-0.8	-0.8		1.0		1.0	1.0	
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0		5.0		5.0	5.0	
Lead/Lag		Lead		Lag								
Lead-Lag Optimize?		Yes		Yes								
Vehicle Extension (s)	6.0	6.0		2.0	6.0	6.0	2.0	2.0		3.0	3.0	
Minimum Gap (s)	3.2	3.2		2.0	3.2	3.2	2.0	2.0		3.0	3.0	
Time Before Reduce (s)	15.0	15.0		0.0	15.0	15.0	0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	30.0	30.0	0.0	0.0		0.0	0.0	
Recall Mode	Min	Min		None	Min	Min	None	None		None	None	
Walk Time (s)	4.0				4.0	4.0				4.0	4.0	
Flash Dont Walk (s)	11.0				11.0	11.0				13.0	13.0	
Pedestrian Calls (#/hr)	0				0	0				0	0	
Act Effct Green (s)	41.1	32.5		40.4	41.1	41.1		17.1		17.1	17.1	
Actuated g/C Ratio	0.59	0.47		0.58	0.59	0.59		0.25		0.25	0.25	

Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2024 Build - Phase 1
 Timing Plan: AM Peak Hour

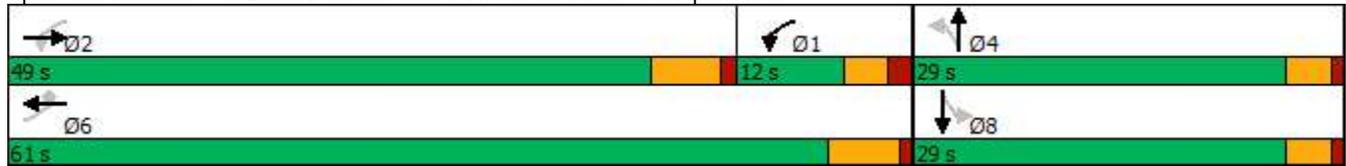


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.03	0.84		0.35	0.37	0.01		0.80		0.17	0.43	
Control Delay	6.6	27.5		18.2	8.6	3.5		36.1		27.3	23.9	
Queue Delay	0.0	0.0		0.0	0.0	0.0		0.0		0.0	0.0	
Total Delay	6.6	27.5		18.2	8.6	3.5		36.1		27.3	23.9	
LOS	A	C		B	A	A		D		C	C	
Approach Delay		27.1			10.5			36.1			24.4	
Approach LOS		C			B			D			C	
Queue Length 50th (ft)	2	279		19	81	0		111		12	61	
Queue Length 95th (ft)	10	485		44	154	6		#263		38	136	
Internal Link Dist (ft)		380			2026			1035			270	
Turn Bay Length (ft)	100			200						125		
Base Capacity (vph)	719	1214		325	1446	1232		642		302	721	
Starvation Cap Reductn	0	0		0	0	0		0		0	0	
Spillback Cap Reductn	0	0		0	0	0		0		0	0	
Storage Cap Reductn	0	0		0	0	0		0		0	0	
Reduced v/c Ratio	0.02	0.60		0.34	0.28	0.01		0.54		0.11	0.27	

Intersection Summary

Area Type: Other
 Cycle Length: 90
 Actuated Cycle Length: 69.7
 Natural Cycle: 65
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.84
 Intersection Signal Delay: 23.7
 Intersection LOS: C
 Intersection Capacity Utilization 86.0%
 ICU Level of Service E
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 1: Laura Duncan Road & N. Salem Street /Old Apex Road



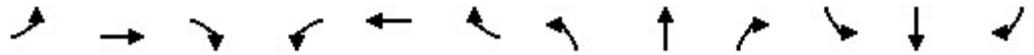
Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2024 Build - Phase 1
 Timing Plan: PM Peak Hour

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	14	522	150	251	529	29	111	58	249	18	109	41
Future Volume (vph)	14	522	150	251	529	29	111	58	249	18	109	41
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-3%			1%			-8%			-1%	
Storage Length (ft)	100		0	200		0	0		0	125		0
Storage Lanes	1		0	1		1	0		0	1		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.966				0.850		0.919			0.959	
Fl _t Protected	0.950			0.950				0.987		0.950		
Satd. Flow (prot)	1796	1826	0	1761	1853	1575	0	1757	0	1778	1795	0
Fl _t Permitted	0.321			0.062				0.764		0.384		
Satd. Flow (perm)	607	1826	0	115	1853	1575	0	1360	0	719	1795	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		9				32		51				13
Link Speed (mph)		45			45			45				45
Link Distance (ft)		460			2106			1115				350
Travel Time (s)		7.0			31.9			16.9				5.3
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	16	580	167	279	588	32	123	64	277	20	121	46
Shared Lane Traffic (%)												
Lane Group Flow (vph)	16	747	0	279	588	32	0	464	0	20	167	0
Turn Type	D.Pm	NA		D.P+P	NA	Perm	Perm	NA		Perm	NA	
Protected Phases		2		1	6			4				8
Permitted Phases	6			2		6	4			8		
Detector Phase	6	2		1	6	6	4	4		8		8
Switch Phase												
Minimum Initial (s)	12.0	12.0		7.0	12.0	12.0	7.0	7.0		7.0		7.0
Minimum Split (s)	21.0	18.0		12.0	21.0	21.0	11.0	11.0		21.0		21.0
Total Split (s)	100.0	55.0		40.0	100.0	100.0	60.0	60.0		60.0		60.0
Total Split (%)	62.5%	34.4%		25.0%	62.5%	62.5%	37.5%	37.5%		37.5%		37.5%
Maximum Green (s)	94.2	49.2		35.2	94.2	94.2	56.0	56.0		56.0		56.0
Yellow Time (s)	4.8	4.8		3.0	4.8	4.8	3.0	3.0		3.0		3.0
All-Red Time (s)	1.0	1.0		1.8	1.0	1.0	1.0	1.0		1.0		1.0
Lost Time Adjust (s)	-0.8	-0.8		0.2	-0.8	-0.8		1.0		1.0		1.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0		5.0		5.0		5.0
Lead/Lag		Lead		Lag								
Lead-Lag Optimize?		Yes		Yes								
Vehicle Extension (s)	6.0	6.0		2.0	6.0	6.0	2.0	2.0		3.0		3.0
Minimum Gap (s)	3.2	3.2		2.0	3.2	3.2	2.0	2.0		3.0		3.0
Time Before Reduce (s)	15.0	15.0		0.0	15.0	15.0	0.0	0.0		0.0		0.0
Time To Reduce (s)	30.0	30.0		0.0	30.0	30.0	0.0	0.0		0.0		0.0
Recall Mode	C-Min	C-Min		None	C-Min	C-Min	None	None		None		None
Walk Time (s)	4.0				4.0	4.0				4.0		4.0
Flash Dont Walk (s)	11.0				11.0	11.0				13.0		13.0
Pedestrian Calls (#/hr)	0				0	0				0		0
Act Effct Green (s)	95.5	65.3		90.5	95.5	95.5		54.5		54.5		54.5
Actuated g/C Ratio	0.60	0.41		0.57	0.60	0.60		0.34		0.34		0.34

Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2024 Build - Phase 1
 Timing Plan: PM Peak Hour

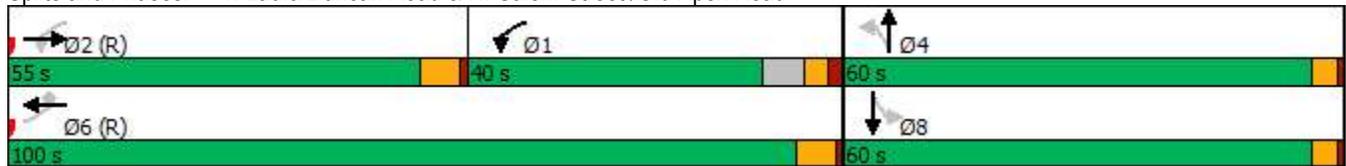


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.04	1.00		0.86	0.53	0.03		0.94		0.08	0.27	
Control Delay	16.0	77.8		58.3	6.8	0.3		71.7		34.0	35.1	
Queue Delay	0.0	0.0		0.0	0.0	0.0		0.0		0.0	0.0	
Total Delay	16.0	77.8		58.3	6.8	0.3		71.7		34.0	35.1	
LOS	B	E		E	A	A		E		C	D	
Approach Delay		76.5			22.5			71.7			35.0	
Approach LOS		E			C			E			D	
Queue Length 50th (ft)	7	~832		253	56	0		419		14	114	
Queue Length 95th (ft)	20	#1249		m333	m482	m2		#604		35	170	
Internal Link Dist (ft)		380			2026			1035			270	
Turn Bay Length (ft)	100			200						125		
Base Capacity (vph)	372	750		487	1136	978		522		259	654	
Starvation Cap Reductn	0	0		0	0	0		0		0	0	
Spillback Cap Reductn	0	0		0	0	0		0		0	0	
Storage Cap Reductn	0	0		0	0	0		0		0	0	
Reduced v/c Ratio	0.04	1.00		0.57	0.52	0.03		0.89		0.08	0.26	

Intersection Summary

Area Type: Other
 Cycle Length: 160
 Actuated Cycle Length: 160
 Offset: 105 (66%), Referenced to phase 2:EBWB and 6:EBWB, Start of Green
 Natural Cycle: 65
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.00
 Intersection Signal Delay: 51.2 Intersection LOS: D
 Intersection Capacity Utilization 99.9% ICU Level of Service F
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.
 m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 1: Laura Duncan Road & N. Salem Street /Old Apex Road



Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

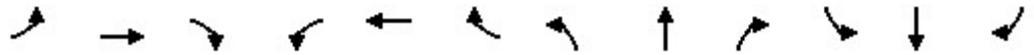
2024 Build - Full Build Out
 Timing Plan: AM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	13	546	109	101	367	11	75	45	193	29	105	73
Future Volume (vph)	13	546	109	101	367	11	75	45	193	29	105	73
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-3%			1%			-8%			-1%	
Storage Length (ft)	100		0	200		0	0		0	125		0
Storage Lanes	1		0	1		1	0		0	1		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.975				0.850		0.917			0.939	
Fl _t Protected	0.950			0.950				0.988		0.950		
Satd. Flow (prot)	1796	1843	0	1761	1853	1575	0	1755	0	1778	1758	0
Fl _t Permitted	0.485			0.950				0.816		0.400		
Satd. Flow (perm)	917	1843	0	1761	1853	1575	0	1450	0	749	1758	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		16				12		86				37
Link Speed (mph)		45			45			45				45
Link Distance (ft)		460			2106			1115				350
Travel Time (s)		7.0			31.9			16.9				5.3
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	14	607	121	112	408	12	83	50	214	32	117	81
Shared Lane Traffic (%)												
Lane Group Flow (vph)	14	728	0	112	408	12	0	347	0	32	198	0
Turn Type	D.Pm	NA		Prot	NA	Perm	Perm	NA		Perm	NA	
Protected Phases		2		1	6			4				8
Permitted Phases	6					6	4			8		
Detector Phase	6	2		1	6	6	4	4		8		8
Switch Phase												
Minimum Initial (s)	12.0	12.0		7.0	12.0	12.0	7.0	7.0		7.0		7.0
Minimum Split (s)	21.0	18.0		12.0	21.0	21.0	11.0	11.0		21.0		21.0
Total Split (s)	62.0	49.0		13.0	62.0	62.0	28.0	28.0		28.0		28.0
Total Split (%)	68.9%	54.4%		14.4%	68.9%	68.9%	31.1%	31.1%		31.1%		31.1%
Maximum Green (s)	56.2	43.2		8.2	56.2	56.2	24.0	24.0		24.0		24.0
Yellow Time (s)	4.8	4.8		3.0	4.8	4.8	3.0	3.0		3.0		3.0
All-Red Time (s)	1.0	1.0		1.8	1.0	1.0	1.0	1.0		1.0		1.0
Lost Time Adjust (s)	-0.8	-0.8		0.2	-0.8	-0.8		1.0		1.0		1.0
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0		5.0		5.0		5.0
Lead/Lag		Lead		Lag								
Lead-Lag Optimize?		Yes		Yes								
Vehicle Extension (s)	6.0	6.0		2.0	6.0	6.0	2.0	2.0		3.0		3.0
Minimum Gap (s)	3.2	3.2		2.0	3.2	3.2	2.0	2.0		3.0		3.0
Time Before Reduce (s)	15.0	15.0		0.0	15.0	15.0	0.0	0.0		0.0		0.0
Time To Reduce (s)	30.0	30.0		0.0	30.0	30.0	0.0	0.0		0.0		0.0
Recall Mode	Min	Min		None	Min	Min	None	None		None		None
Walk Time (s)	4.0				4.0	4.0				4.0		4.0
Flash Dont Walk (s)	11.0				11.0	11.0				13.0		13.0
Pedestrian Calls (#/hr)	0				0	0				0		0
Act Effct Green (s)	44.0	34.6		8.3	44.0	44.0		18.1		18.1		18.1
Actuated g/C Ratio	0.60	0.47		0.11	0.60	0.60		0.25		0.25		0.25

Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2024 Build - Full Build Out
 Timing Plan: AM Peak Hour

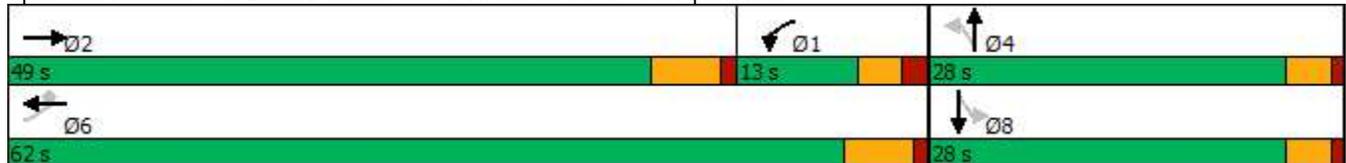


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.03	0.83		0.56	0.37	0.01		0.82		0.17	0.43	
Control Delay	6.3	27.5		50.1	8.5	3.3		39.1		28.1	24.7	
Queue Delay	0.0	0.0		0.0	0.0	0.0		0.0		0.0	0.0	
Total Delay	6.3	27.5		50.1	8.5	3.3		39.1		28.1	24.7	
LOS	A	C		D	A	A		D		C	C	
Approach Delay		27.1			17.1			39.1			25.2	
Approach LOS		C			B			D			C	
Queue Length 50th (ft)	2	307		55	90	0		123		12	66	
Queue Length 95th (ft)	10	488		#146	149	6		#284		39	139	
Internal Link Dist (ft)		380			2026			1035			270	
Turn Bay Length (ft)	100			200						125		
Base Capacity (vph)	703	1182		212	1422	1211		558		259	632	
Starvation Cap Reductn	0	0		0	0	0		0		0	0	
Spillback Cap Reductn	0	0		0	0	0		0		0	0	
Storage Cap Reductn	0	0		0	0	0		0		0	0	
Reduced v/c Ratio	0.02	0.62		0.53	0.29	0.01		0.62		0.12	0.31	

Intersection Summary

Area Type: Other
 Cycle Length: 90
 Actuated Cycle Length: 73.1
 Natural Cycle: 65
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.83
 Intersection Signal Delay: 26.2
 Intersection LOS: C
 Intersection Capacity Utilization 86.2%
 ICU Level of Service E
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 1: Laura Duncan Road & N. Salem Street /Old Apex Road



Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

2024 Build - Full Build Out
 Timing Plan: PM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	16	533	159	251	540	29	118	58	249	18	109	43
Future Volume (vph)	16	533	159	251	540	29	118	58	249	18	109	43
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Grade (%)		-3%			1%			-8%				-1%
Storage Length (ft)	100		0	200		0	0		0	125		0
Storage Lanes	1		0	1		1	0		0	1		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.965				0.850		0.921			0.957	
Fl _t Protected	0.950			0.950				0.986		0.950		
Satd. Flow (prot)	1796	1825	0	1761	1853	1575	0	1759	0	1778	1792	0
Fl _t Permitted	0.304			0.065				0.764		0.394		
Satd. Flow (perm)	575	1825	0	120	1853	1575	0	1363	0	738	1792	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		10				32		49			14	
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		460			2106			1115			350	
Travel Time (s)		7.0			31.9			16.9			5.3	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	18	592	177	279	600	32	131	64	277	20	121	48
Shared Lane Traffic (%)												
Lane Group Flow (vph)	18	769	0	279	600	32	0	472	0	20	169	0
Turn Type	D.Pm	NA		D.P+P	NA	Perm	Perm	NA		Perm	NA	
Protected Phases		2		1	6			4			8	
Permitted Phases	6			2		6	4			8		
Detector Phase	6	2		1	6	6	4	4		8	8	
Switch Phase												
Minimum Initial (s)	12.0	12.0		7.0	12.0	12.0	7.0	7.0		7.0	7.0	
Minimum Split (s)	21.0	18.0		12.0	21.0	21.0	11.0	11.0		21.0	21.0	
Total Split (s)	100.0	55.0		40.0	100.0	100.0	60.0	60.0		60.0	60.0	
Total Split (%)	62.5%	34.4%		25.0%	62.5%	62.5%	37.5%	37.5%		37.5%	37.5%	
Maximum Green (s)	94.2	49.2		35.2	94.2	94.2	56.0	56.0		56.0	56.0	
Yellow Time (s)	4.8	4.8		3.0	4.8	4.8	3.0	3.0		3.0	3.0	
All-Red Time (s)	1.0	1.0		1.8	1.0	1.0	1.0	1.0		1.0	1.0	
Lost Time Adjust (s)	-0.8	-0.8		0.2	-0.8	-0.8		1.0		1.0	1.0	
Total Lost Time (s)	5.0	5.0		5.0	5.0	5.0		5.0		5.0	5.0	
Lead/Lag		Lead		Lag								
Lead-Lag Optimize?		Yes		Yes								
Vehicle Extension (s)	6.0	6.0		2.0	6.0	6.0	2.0	2.0		3.0	3.0	
Minimum Gap (s)	3.2	3.2		2.0	3.2	3.2	2.0	2.0		3.0	3.0	
Time Before Reduce (s)	15.0	15.0		0.0	15.0	15.0	0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	30.0	30.0	0.0	0.0		0.0	0.0	
Recall Mode	C-Min	C-Min		None	C-Min	C-Min	None	None		None	None	
Walk Time (s)	4.0				4.0	4.0				4.0	4.0	
Flash Dont Walk (s)	11.0				11.0	11.0				13.0	13.0	
Pedestrian Calls (#/hr)	0				0	0				0	0	
Act Effct Green (s)	93.1	62.9		88.1	93.1	93.1		56.9		56.9	56.9	
Actuated g/C Ratio	0.58	0.39		0.55	0.58	0.58		0.36		0.36	0.36	

Lanes, Volumes, Timings
 1: Laura Duncan Road & N. Salem Street /Old Apex Road

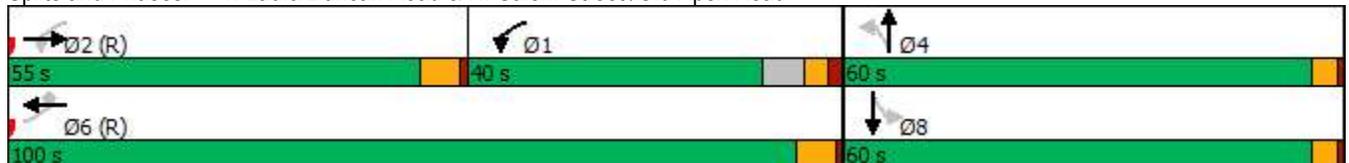
2024 Build - Full Build Out
 Timing Plan: PM Peak Hour

	↖	→	↘	↙	←	↖	↙	↑	↘	↘	↓	↙
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.05	1.06		0.86	0.56	0.03		0.91		0.08	0.26	
Control Delay	16.9	96.5		57.9	7.7	0.3		66.8		32.9	33.6	
Queue Delay	0.0	0.0		0.0	0.0	0.0		0.0		0.0	0.0	
Total Delay	16.9	96.5		57.9	7.7	0.3		66.8		32.9	33.6	
LOS	B	F		E	A	A		E		C	C	
Approach Delay		94.7			22.8			66.8			33.5	
Approach LOS		F			C			E			C	
Queue Length 50th (ft)	8	~907		251	59	0		423		14	112	
Queue Length 95th (ft)	23	#1298		m325	m486	m2		#626		35	171	
Internal Link Dist (ft)		380			2026			1035			270	
Turn Bay Length (ft)	100			200						125		
Base Capacity (vph)	347	723		487	1120	964		530		270	665	
Starvation Cap Reductn	0	0		0	0	0		0		0	0	
Spillback Cap Reductn	0	0		0	0	0		0		0	0	
Storage Cap Reductn	0	0		0	0	0		0		0	0	
Reduced v/c Ratio	0.05	1.06		0.57	0.54	0.03		0.89		0.07	0.25	

Intersection Summary

Area Type: Other
 Cycle Length: 160
 Actuated Cycle Length: 160
 Offset: 105 (66%), Referenced to phase 2:EBWB and 6:EBWB, Start of Green
 Natural Cycle: 65
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.06
 Intersection Signal Delay: 56.5
 Intersection LOS: E
 Intersection Capacity Utilization 101.5%
 ICU Level of Service G
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.
 m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 1: Laura Duncan Road & N. Salem Street /Old Apex Road



APPENDIX E

CAPACITY ANALYSIS CALCULATIONS

Laura Duncan Road

&

Candun Drive/Access A

Intersection						
Int Delay, s/veh	1.2					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T			T		
Traffic Vol, veh/h	15	11	4	44	127	20
Future Vol, veh/h	15	11	4	44	127	20
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	17	12	4	49	141	22

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	209	152	163	0	-	0
Stage 1	152	-	-	-	-	-
Stage 2	57	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	779	894	1416	-	-	-
Stage 1	876	-	-	-	-	-
Stage 2	966	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	777	894	1416	-	-	-
Mov Cap-2 Maneuver	777	-	-	-	-	-
Stage 1	873	-	-	-	-	-
Stage 2	966	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.5	0.6	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1416	-	823	-	-
HCM Lane V/C Ratio	0.003	-	0.035	-	-
HCM Control Delay (s)	7.5	0	9.5	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection						
Int Delay, s/veh	1					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	W			←	→	
Traffic Vol, veh/h	12	6	4	44	119	17
Future Vol, veh/h	12	6	4	44	119	17
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	13	7	4	49	132	19

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	199	142	151	0	0
Stage 1	142	-	-	-	-
Stage 2	57	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	790	906	1430	-	-
Stage 1	885	-	-	-	-
Stage 2	966	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	788	906	1430	-	-
Mov Cap-2 Maneuver	788	-	-	-	-
Stage 1	882	-	-	-	-
Stage 2	966	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.5	0.6	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1430	-	824	-	-
HCM Lane V/C Ratio	0.003	-	0.024	-	-
HCM Control Delay (s)	7.5	0	9.5	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection						
Int Delay, s/veh	1.3					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T			T		
Traffic Vol, veh/h	16	12	4	48	139	23
Future Vol, veh/h	16	12	4	48	139	23
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	18	13	4	53	154	26

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	228	167	180	0	-	0
Stage 1	167	-	-	-	-	-
Stage 2	61	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	760	877	1396	-	-	-
Stage 1	863	-	-	-	-	-
Stage 2	962	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	758	877	1396	-	-	-
Mov Cap-2 Maneuver	758	-	-	-	-	-
Stage 1	860	-	-	-	-	-
Stage 2	962	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.7	0.6	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1396	-	805	-	-
HCM Lane V/C Ratio	0.003	-	0.039	-	-
HCM Control Delay (s)	7.6	0	9.7	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection						
Int Delay, s/veh	1					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	W			←	→	
Traffic Vol, veh/h	13	7	4	48	130	19
Future Vol, veh/h	13	7	4	48	130	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	14	8	4	53	144	21

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	216	155	165	0	-	0
Stage 1	155	-	-	-	-	-
Stage 2	61	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	772	891	1413	-	-	-
Stage 1	873	-	-	-	-	-
Stage 2	962	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	770	891	1413	-	-	-
Mov Cap-2 Maneuver	770	-	-	-	-	-
Stage 1	870	-	-	-	-	-
Stage 2	962	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.6	0.6	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1413	-	808	-	-
HCM Lane V/C Ratio	0.003	-	0.028	-	-
HCM Control Delay (s)	7.6	0	9.6	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection												
Int Delay, s/veh	3.2											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	16	4	34	30	4	4	11	49	9	4	143	23
Future Vol, veh/h	16	4	34	30	4	4	11	49	9	4	143	23
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	18	4	38	33	4	4	12	54	10	4	159	26

Major/Minor	Minor2		Minor1		Major1		Major2					
Conflicting Flow All	267	268	172	284	276	59	185	0	0	64	0	0
Stage 1	180	180	-	83	83	-	-	-	-	-	-	-
Stage 2	87	88	-	201	193	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	686	638	872	668	632	1007	1390	-	-	1538	-	-
Stage 1	822	750	-	925	826	-	-	-	-	-	-	-
Stage 2	921	822	-	801	741	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	673	630	872	630	624	1007	1390	-	-	1538	-	-
Mov Cap-2 Maneuver	673	630	-	630	624	-	-	-	-	-	-	-
Stage 1	815	748	-	917	819	-	-	-	-	-	-	-
Stage 2	904	815	-	759	739	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	10		10.9		1.2		0.2	
HCM LOS	B		B					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1390	-	-	781	655	1538	-	-
HCM Lane V/C Ratio	0.009	-	-	0.077	0.064	0.003	-	-
HCM Control Delay (s)	7.6	0	-	10	10.9	7.3	0	-
HCM Lane LOS	A	A	-	B	B	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0.2	0.2	0	-	-

Intersection												
Int Delay, s/veh	2.6											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	13	4	19	17	4	4	21	52	28	4	132	19
Future Vol, veh/h	13	4	19	17	4	4	21	52	28	4	132	19
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	14	4	21	19	4	4	23	58	31	4	147	21

Major/Minor	Minor2		Minor1		Major1		Major2					
Conflicting Flow All	290	301	158	298	296	74	168	0	0	89	0	0
Stage 1	166	166	-	120	120	-	-	-	-	-	-	-
Stage 2	124	135	-	178	176	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	662	612	887	654	616	988	1410	-	-	1506	-	-
Stage 1	836	761	-	884	796	-	-	-	-	-	-	-
Stage 2	880	785	-	824	753	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	645	600	887	625	604	988	1410	-	-	1506	-	-
Mov Cap-2 Maneuver	645	600	-	625	604	-	-	-	-	-	-	-
Stage 1	822	759	-	869	782	-	-	-	-	-	-	-
Stage 2	856	772	-	797	751	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	10.1		10.7		1.6		0.2	
HCM LOS	B		B					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1410	-	-	746	660	1506	-	-
HCM Lane V/C Ratio	0.017	-	-	0.054	0.042	0.003	-	-
HCM Control Delay (s)	7.6	0	-	10.1	10.7	7.4	0	-
HCM Lane LOS	A	A	-	B	B	A	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0.2	0.1	0	-	-

Intersection												
Int Delay, s/veh	3.2											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	16	4	34	30	4	4	11	49	9	4	143	23
Future Vol, veh/h	16	4	34	30	4	4	11	49	9	4	143	23
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	18	4	38	33	4	4	12	54	10	4	159	26

Major/Minor	Minor2		Minor1		Major1		Major2					
Conflicting Flow All	267	268	172	284	276	59	185	0	0	64	0	0
Stage 1	180	180	-	83	83	-	-	-	-	-	-	-
Stage 2	87	88	-	201	193	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	686	638	872	668	632	1007	1390	-	-	1538	-	-
Stage 1	822	750	-	925	826	-	-	-	-	-	-	-
Stage 2	921	822	-	801	741	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	673	630	872	630	624	1007	1390	-	-	1538	-	-
Mov Cap-2 Maneuver	673	630	-	630	624	-	-	-	-	-	-	-
Stage 1	815	748	-	917	819	-	-	-	-	-	-	-
Stage 2	904	815	-	759	739	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	10		10.9		1.2		0.2	
HCM LOS	B		B					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1390	-	-	781	655	1538	-	-
HCM Lane V/C Ratio	0.009	-	-	0.077	0.064	0.003	-	-
HCM Control Delay (s)	7.6	0	-	10	10.9	7.3	0	-
HCM Lane LOS	A	A	-	B	B	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0.2	0.2	0	-	-

HCM 6th TWSC
 2: Laura Duncan Road & Candun Drive/Access A

2024 Build - Full Build Out
 Timing Plan: PM Peak Hour

Intersection												
Int Delay, s/veh	2.5											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	13	4	19	17	4	4	21	54	28	4	134	19
Future Vol, veh/h	13	4	19	17	4	4	21	54	28	4	134	19
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	14	4	21	19	4	4	23	60	31	4	149	21

Major/Minor	Minor2		Minor1		Major1		Major2					
Conflicting Flow All	294	305	160	302	300	76	170	0	0	91	0	0
Stage 1	168	168	-	122	122	-	-	-	-	-	-	-
Stage 2	126	137	-	180	178	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	658	608	885	650	612	985	1407	-	-	1504	-	-
Stage 1	834	759	-	882	795	-	-	-	-	-	-	-
Stage 2	878	783	-	822	752	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	642	596	885	621	600	985	1407	-	-	1504	-	-
Mov Cap-2 Maneuver	642	596	-	621	600	-	-	-	-	-	-	-
Stage 1	820	757	-	867	781	-	-	-	-	-	-	-
Stage 2	854	770	-	795	750	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	10.1		10.7		1.5		0.2	
HCM LOS	B		B					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1407	-	-	743	656	1504	-	-
HCM Lane V/C Ratio	0.017	-	-	0.054	0.042	0.003	-	-
HCM Control Delay (s)	7.6	0	-	10.1	10.7	7.4	0	-
HCM Lane LOS	A	A	-	B	B	A	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0.2	0.1	0	-	-

APPENDIX F

CAPACITY ANALYSIS CALCULATIONS

N. Salem Street

&

Candun Drive

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	23	596	456	4	6	18
Future Vol, veh/h	23	596	456	4	6	18
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	50	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	26	662	507	4	7	20

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	511	0	-	0	1223 509
Stage 1	-	-	-	-	509 -
Stage 2	-	-	-	-	714 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1054	-	-	-	198 564
Stage 1	-	-	-	-	604 -
Stage 2	-	-	-	-	485 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1054	-	-	-	193 564
Mov Cap-2 Maneuver	-	-	-	-	330 -
Stage 1	-	-	-	-	589 -
Stage 2	-	-	-	-	485 -

Approach	EB	WB	SB
HCM Control Delay, s	0.3	0	13
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1054	-	-	-	479
HCM Lane V/C Ratio	0.024	-	-	-	0.056
HCM Control Delay (s)	8.5	-	-	-	13
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.2

Intersection						
Int Delay, s/veh	0.4					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	18	616	615	4	4	16
Future Vol, veh/h	18	616	615	4	4	16
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	50	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	20	684	683	4	4	18

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	687	0	-	0	1409 685
Stage 1	-	-	-	-	685 -
Stage 2	-	-	-	-	724 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	907	-	-	-	153 448
Stage 1	-	-	-	-	500 -
Stage 2	-	-	-	-	480 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	907	-	-	-	150 448
Mov Cap-2 Maneuver	-	-	-	-	290 -
Stage 1	-	-	-	-	489 -
Stage 2	-	-	-	-	480 -

Approach	EB	WB	SB
HCM Control Delay, s	0.3	0	14.4
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	907	-	-	-	404
HCM Lane V/C Ratio	0.022	-	-	-	0.055
HCM Control Delay (s)	9.1	-	-	-	14.4
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.2

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	25	652	498	4	7	20
Future Vol, veh/h	25	652	498	4	7	20
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	50	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	28	724	553	4	8	22

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	557	0	-	0	1335 555
Stage 1	-	-	-	-	555 -
Stage 2	-	-	-	-	780 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1014	-	-	-	169 531
Stage 1	-	-	-	-	575 -
Stage 2	-	-	-	-	452 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1014	-	-	-	164 531
Mov Cap-2 Maneuver	-	-	-	-	302 -
Stage 1	-	-	-	-	559 -
Stage 2	-	-	-	-	452 -

Approach	EB	WB	SB
HCM Control Delay, s	0.3	0	13.7
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1014	-	-	-	444
HCM Lane V/C Ratio	0.027	-	-	-	0.068
HCM Control Delay (s)	8.7	-	-	-	13.7
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.2

Intersection						
Int Delay, s/veh	0.4					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	20	673	672	4	4	17
Future Vol, veh/h	20	673	672	4	4	17
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	50	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	22	748	747	4	4	19

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	751	0	-	0	1541 749
Stage 1	-	-	-	-	749 -
Stage 2	-	-	-	-	792 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	858	-	-	-	127 412
Stage 1	-	-	-	-	467 -
Stage 2	-	-	-	-	446 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	858	-	-	-	124 412
Mov Cap-2 Maneuver	-	-	-	-	262 -
Stage 1	-	-	-	-	455 -
Stage 2	-	-	-	-	446 -

Approach	EB	WB	SB
HCM Control Delay, s	0.3	0	15.4
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	858	-	-	-	371
HCM Lane V/C Ratio	0.026	-	-	-	0.063
HCM Control Delay (s)	9.3	-	-	-	15.4
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0.1	-	-	-	0.2

Intersection						
Int Delay, s/veh	0.8					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	31	655	507	4	11	41
Future Vol, veh/h	31	655	507	4	11	41
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	50	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	34	728	563	4	12	46

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	567	0	-	0	1361 565
Stage 1	-	-	-	-	565 -
Stage 2	-	-	-	-	796 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1005	-	-	-	163 524
Stage 1	-	-	-	-	569 -
Stage 2	-	-	-	-	444 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1005	-	-	-	157 524
Mov Cap-2 Maneuver	-	-	-	-	295 -
Stage 1	-	-	-	-	550 -
Stage 2	-	-	-	-	444 -

Approach	EB	WB	SB
HCM Control Delay, s	0.4	0	14.2
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1005	-	-	-	450
HCM Lane V/C Ratio	0.034	-	-	-	0.128
HCM Control Delay (s)	8.7	-	-	-	14.2
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.4

Intersection						
Int Delay, s/veh	0.6					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	40	681	677	4	5	29
Future Vol, veh/h	40	681	677	4	5	29
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	50	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	44	757	752	4	6	32

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	756	0	-	0	1599 754
Stage 1	-	-	-	-	754 -
Stage 2	-	-	-	-	845 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	855	-	-	-	117 409
Stage 1	-	-	-	-	465 -
Stage 2	-	-	-	-	421 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	855	-	-	-	111 409
Mov Cap-2 Maneuver	-	-	-	-	247 -
Stage 1	-	-	-	-	441 -
Stage 2	-	-	-	-	421 -

Approach	EB	WB	SB
HCM Control Delay, s	0.5	0	15.7
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	855	-	-	-	373
HCM Lane V/C Ratio	0.052	-	-	-	0.101
HCM Control Delay (s)	9.4	-	-	-	15.7
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0.2	-	-	-	0.3

Intersection						
Int Delay, s/veh	0.8					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	31	657	511	4	11	41
Future Vol, veh/h	31	657	511	4	11	41
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	50	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	34	730	568	4	12	46

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	572	0	-	0	1368 570
Stage 1	-	-	-	-	570 -
Stage 2	-	-	-	-	798 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1001	-	-	-	162 521
Stage 1	-	-	-	-	566 -
Stage 2	-	-	-	-	443 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1001	-	-	-	156 521
Mov Cap-2 Maneuver	-	-	-	-	293 -
Stage 1	-	-	-	-	547 -
Stage 2	-	-	-	-	443 -

Approach	EB	WB	SB
HCM Control Delay, s	0.4	0	14.2
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1001	-	-	-	447
HCM Lane V/C Ratio	0.034	-	-	-	0.129
HCM Control Delay (s)	8.7	-	-	-	14.2
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.4

Intersection						
Int Delay, s/veh	0.6					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	40	703	697	4	5	29
Future Vol, veh/h	40	703	697	4	5	29
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	50	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	44	781	774	4	6	32

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	778	0	-	0	1645 776
Stage 1	-	-	-	-	776 -
Stage 2	-	-	-	-	869 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	839	-	-	-	109 397
Stage 1	-	-	-	-	454 -
Stage 2	-	-	-	-	410 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	839	-	-	-	103 397
Mov Cap-2 Maneuver	-	-	-	-	239 -
Stage 1	-	-	-	-	430 -
Stage 2	-	-	-	-	410 -

Approach	EB	WB	SB
HCM Control Delay, s	0.5	0	16.1
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	839	-	-	-	362
HCM Lane V/C Ratio	0.053	-	-	-	0.104
HCM Control Delay (s)	9.5	-	-	-	16.1
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0.2	-	-	-	0.3

APPENDIX G

CAPACITY ANALYSIS CALCULATIONS

N. Salem Street

&

Salem Church Road

Intersection						
Int Delay, s/veh	3.9					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↔	↑	↗	↖	↗
Traffic Vol, veh/h	4	494	379	95	125	4
Future Vol, veh/h	4	494	379	95	125	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	Free	-	None
Storage Length	-	-	-	125	200	0
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	549	421	106	139	4

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	421	0	0	978	421
Stage 1	-	-	-	421	-
Stage 2	-	-	-	557	-
Critical Hdwy	4.12	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	3.518	3.318
Pot Cap-1 Maneuver	1138	-	0	278	632
Stage 1	-	-	0	662	-
Stage 2	-	-	0	574	-
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	1138	-	-	277	632
Mov Cap-2 Maneuver	-	-	-	277	-
Stage 1	-	-	-	659	-
Stage 2	-	-	-	574	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	29.8
HCM LOS			D

Minor Lane/Major Mvmt	EBL	EBT	WBT	SBLn1	SBLn2
Capacity (veh/h)	1138	-	-	277	632
HCM Lane V/C Ratio	0.004	-	-	0.501	0.007
HCM Control Delay (s)	8.2	0	-	30.4	10.7
HCM Lane LOS	A	A	-	D	B
HCM 95th %tile Q(veh)	0	-	-	2.6	0

Intersection						
Int Delay, s/veh	7					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↔	↕	↕	↕	↕
Traffic Vol, veh/h	4	482	500	131	152	9
Future Vol, veh/h	4	482	500	131	152	9
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	Free	-	None
Storage Length	-	-	-	125	200	0
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	536	556	146	169	10

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	556	0	-	0	1100
Stage 1	-	-	-	-	556
Stage 2	-	-	-	-	544
Critical Hdwy	4.12	-	-	-	6.42
Critical Hdwy Stg 1	-	-	-	-	5.42
Critical Hdwy Stg 2	-	-	-	-	5.42
Follow-up Hdwy	2.218	-	-	-	3.518
Pot Cap-1 Maneuver	1015	-	-	0	235
Stage 1	-	-	-	0	574
Stage 2	-	-	-	0	582
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	1015	-	-	-	234
Mov Cap-2 Maneuver	-	-	-	-	234
Stage 1	-	-	-	-	571
Stage 2	-	-	-	-	582

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	49.9
HCM LOS			E

Minor Lane/Major Mvmt	EBL	EBT	WBT	SBLn1	SBLn2
Capacity (veh/h)	1015	-	-	234	531
HCM Lane V/C Ratio	0.004	-	-	0.722	0.019
HCM Control Delay (s)	8.6	0	-	52.2	11.9
HCM Lane LOS	A	A	-	F	B
HCM 95th %tile Q(veh)	0	-	-	4.9	0.1

Intersection

Int Delay, s/veh 5.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↕	↗	↖	↗
Traffic Vol, veh/h	4	540	414	104	137	4
Future Vol, veh/h	4	540	414	104	137	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	Free	-	None
Storage Length	-	-	-	125	200	0
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	600	460	116	152	4

Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	460	0	0
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	4.12	-	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	2.218	-	-
Pot Cap-1 Maneuver	1101	-	0
Stage 1	-	-	0
Stage 2	-	-	0
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	1101	-	-
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	40.5
HCM LOS			E

Minor Lane/Major Mvmt	EBL	EBT	WBT	SBLn1	SBLn2
Capacity (veh/h)	1101	-	-	244	601
HCM Lane V/C Ratio	0.004	-	-	0.624	0.007
HCM Control Delay (s)	8.3	0	-	41.4	11
HCM Lane LOS	A	A	-	E	B
HCM 95th %tile Q(veh)	0	-	-	3.8	0

Intersection						
Int Delay, s/veh	12					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↔	↕	↗	↖	↗
Traffic Vol, veh/h	4	527	546	143	166	10
Future Vol, veh/h	4	527	546	143	166	10
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	Free	-	None
Storage Length	-	-	-	125	200	0
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	586	607	159	184	11

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	607	0	-	0	1201
Stage 1	-	-	-	-	607
Stage 2	-	-	-	-	594
Critical Hdwy	4.12	-	-	-	6.42
Critical Hdwy Stg 1	-	-	-	-	5.42
Critical Hdwy Stg 2	-	-	-	-	5.42
Follow-up Hdwy	2.218	-	-	-	3.518
Pot Cap-1 Maneuver	971	-	-	0	204
Stage 1	-	-	-	0	544
Stage 2	-	-	-	0	552
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	971	-	-	-	203
Mov Cap-2 Maneuver	-	-	-	-	203
Stage 1	-	-	-	-	541
Stage 2	-	-	-	-	552

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	85.4
HCM LOS			F

Minor Lane/Major Mvmt	EBL	EBT	WBT	SBLn1	SBLn2
Capacity (veh/h)	971	-	-	203	496
HCM Lane V/C Ratio	0.005	-	-	0.909	0.022
HCM Control Delay (s)	8.7	0	-	89.8	12.4
HCM Lane LOS	A	A	-	F	B
HCM 95th %tile Q(veh)	0	-	-	7.2	0.1

Intersection						
Int Delay, s/veh	5.8					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↔	↕	↗	↖	↗
Traffic Vol, veh/h	4	546	435	113	140	4
Future Vol, veh/h	4	546	435	113	140	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	Free	-	None
Storage Length	-	-	-	125	200	0
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	607	483	126	156	4

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	483	0	-	0	1098 483
Stage 1	-	-	-	-	483 -
Stage 2	-	-	-	-	615 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1080	-	-	0	235 584
Stage 1	-	-	-	0	620 -
Stage 2	-	-	-	0	539 -
Platoon blocked, %		-	-		
Mov Cap-1 Maneuver	1080	-	-	-	234 584
Mov Cap-2 Maneuver	-	-	-	-	234 -
Stage 1	-	-	-	-	616 -
Stage 2	-	-	-	-	539 -

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	45.4
HCM LOS			E

Minor Lane/Major Mvmt	EBL	EBT	WBT	SBLn1	SBLn2
Capacity (veh/h)	1080	-	-	234	584
HCM Lane V/C Ratio	0.004	-	-	0.665	0.008
HCM Control Delay (s)	8.3	0	-	46.4	11.2
HCM Lane LOS	A	A	-	E	B
HCM 95th %tile Q(veh)	0	-	-	4.2	0

Intersection

Int Delay, s/veh 15.5

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↔	↑	↗	↖	↗
Traffic Vol, veh/h	4	547	558	148	174	10
Future Vol, veh/h	4	547	558	148	174	10
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	Free	-	None
Storage Length	-	-	-	125	200	0
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	608	620	164	193	11

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	620	0	-	0	1236 620
Stage 1	-	-	-	-	620 -
Stage 2	-	-	-	-	616 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	960	-	-	0	195 488
Stage 1	-	-	-	0	536 -
Stage 2	-	-	-	0	539 -
Platoon blocked, %		-	-		
Mov Cap-1 Maneuver	960	-	-	-	194 488
Mov Cap-2 Maneuver	-	-	-	-	194 -
Stage 1	-	-	-	-	533 -
Stage 2	-	-	-	-	539 -

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	108.5
HCM LOS			F

Minor Lane/Major Mvmt	EBL	EBT	WBT	SBLn1	SBLn2
Capacity (veh/h)	960	-	-	194	488
HCM Lane V/C Ratio	0.005	-	-	0.997	0.023
HCM Control Delay (s)	8.8	0	-	114	12.5
HCM Lane LOS	A	A	-	F	B
HCM 95th %tile Q(veh)	0	-	-	8.5	0.1

Intersection						
Int Delay, s/veh	2.8					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations	↘	↗	↗	↘	↘	↘
Traffic Vol, veh/h	4	548	439	113	140	4
Future Vol, veh/h	4	548	439	113	140	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	Free	-	None
Storage Length	50	-	-	125	200	0
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	609	488	126	156	4

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	488	0	-	0	1105 488
Stage 1	-	-	-	-	488 -
Stage 2	-	-	-	-	617 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1075	-	-	0	233 580
Stage 1	-	-	-	0	617 -
Stage 2	-	-	-	0	538 -
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	1075	-	-	-	232 580
Mov Cap-2 Maneuver	-	-	-	-	367 -
Stage 1	-	-	-	-	615 -
Stage 2	-	-	-	-	538 -

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	21.5
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	SBLn1	SBLn2
Capacity (veh/h)	1075	-	-	367	580
HCM Lane V/C Ratio	0.004	-	-	0.424	0.008
HCM Control Delay (s)	8.4	-	-	21.8	11.3
HCM Lane LOS	A	-	-	C	B
HCM 95th %tile Q(veh)	0	-	-	2	0

Intersection

Int Delay, s/veh 4.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations	↘	↗	↗	↘	↘	↘
Traffic Vol, veh/h	7	569	578	148	174	13
Future Vol, veh/h	7	569	578	148	174	13
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	Free	-	None
Storage Length	50	-	-	125	200	0
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	8	632	642	164	193	14

Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	642	0	0
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	4.12	-	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	2.218	-	-
Pot Cap-1 Maneuver	943	-	0 ~ 180
Stage 1	-	-	0
Stage 2	-	-	0
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	943	-	- ~ 179
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	30.9
HCM LOS			D

Minor Lane/Major Mvmt	EBL	EBT	WBT	SBLn1	SBLn2
Capacity (veh/h)	943	-	-	319	474
HCM Lane V/C Ratio	0.008	-	-	0.606	0.03
HCM Control Delay (s)	8.8	-	-	32.2	12.8
HCM Lane LOS	A	-	-	D	B
HCM 95th %tile Q(veh)	0	-	-	3.7	0.1

Notes

~: Volume exceeds capacity \$: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon

APPENDIX H

CAPACITY ANALYSIS CALCULATIONS

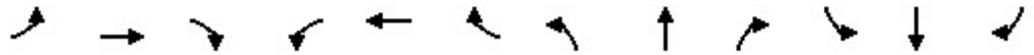
Old Apex Road

&

Cary Parkway

Lanes, Volumes, Timings
9: SW Cary Parkway & Old Apex Road

2021 Existing
Timing Plan: AM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	189	494	166	175	338	20	121	858	163	18	774	104
Future Volume (vph)	189	494	166	175	338	20	121	858	163	18	774	104
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	350		0	300		0	275		0	0		100
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	1.00
Frt		0.962			0.992			0.976				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3405	0	1770	3511	0	1770	3454	0	1770	3539	1583
Flt Permitted	0.364			0.105			0.950			0.950		
Satd. Flow (perm)	678	3405	0	196	3511	0	1770	3454	0	1770	3539	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		31			3			15				68
Link Speed (mph)		45			45			45				45
Link Distance (ft)		2106			1787			1192				1032
Travel Time (s)		31.9			27.1			18.1				15.6
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	210	549	184	194	376	22	134	953	181	20	860	116
Shared Lane Traffic (%)												
Lane Group Flow (vph)	210	733	0	194	398	0	134	1134	0	20	860	116
Turn Type	D.P+P	NA		D.P+P	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	7	4		3	8		5	2		1	6	7
Permitted Phases	8			4								6
Detector Phase	7	4		3	8		5	2		1	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0		7.0	7.0		7.0	12.0		7.0	12.0	7.0
Minimum Split (s)	13.3	13.8		13.4	13.8		13.3	17.7		13.1	17.8	13.3
Total Split (s)	40.0	58.0		25.0	43.0		22.0	60.0		17.0	55.0	40.0
Total Split (%)	25.0%	36.3%		15.6%	26.9%		13.8%	37.5%		10.6%	34.4%	25.0%
Maximum Green (s)	33.7	51.2		18.6	36.2		15.7	54.3		10.9	49.2	33.7
Yellow Time (s)	3.0	4.6		3.0	4.6		3.0	4.4		3.0	4.4	3.0
All-Red Time (s)	3.3	2.2		3.4	2.2		3.3	1.3		3.1	1.4	3.3
Lost Time Adjust (s)	-1.3	-1.8		-1.4	-1.8		-1.3	-0.7		-1.1	-0.8	-1.3
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	1.0	1.0		1.0	1.0		1.0	6.0		1.0	6.0	1.0
Minimum Gap (s)	1.0	1.0		1.0	1.0		1.0	3.0		1.0	3.0	1.0
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	15.0		0.0	15.0	0.0
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	30.0		0.0	30.0	0.0
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	None
Act Effct Green (s)	56.5	39.3		56.5	37.8		17.1	80.5		8.2	66.5	90.2
Actuated g/C Ratio	0.35	0.25		0.35	0.24		0.11	0.50		0.05	0.42	0.56
v/c Ratio	0.57	0.85		0.82	0.48		0.71	0.65		0.22	0.59	0.13
Control Delay	39.8	65.2		66.5	53.7		88.8	33.8		78.8	40.5	8.9
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	39.8	65.2		66.5	53.7		88.8	33.8		78.8	40.5	8.9

Lanes, Volumes, Timings
 9: SW Cary Parkway & Old Apex Road

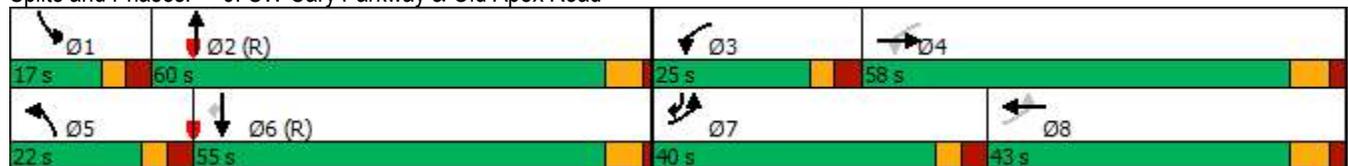
2021 Existing
 Timing Plan: AM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	D	E		E	D		F	C		E	D	A
Approach Delay		59.5			57.8			39.6			37.6	
Approach LOS		E			E			D			D	
Queue Length 50th (ft)	152	373		145	188		138	482		20	366	22
Queue Length 95th (ft)	198	425		225	232		207	640		52	515	64
Internal Link Dist (ft)		2026			1707			1112			952	
Turn Bay Length (ft)	350			300			275					100
Base Capacity (vph)	499	1148		268	877		207	1746		132	1470	1076
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	0.42	0.64		0.72	0.45		0.65	0.65		0.15	0.59	0.11

Intersection Summary

Area Type:	Other
Cycle Length:	160
Actuated Cycle Length:	160
Offset:	35 (22%), Referenced to phase 2:NBT and 6:SBT, Start of Green
Natural Cycle:	90
Control Type:	Actuated-Coordinated
Maximum v/c Ratio:	0.85
Intersection Signal Delay:	46.8
Intersection LOS:	D
Intersection Capacity Utilization	80.1%
ICU Level of Service	D
Analysis Period (min)	15

Splits and Phases: 9: SW Cary Parkway & Old Apex Road



Lanes, Volumes, Timings
11: SW Cary Parkway & Old Apex Road

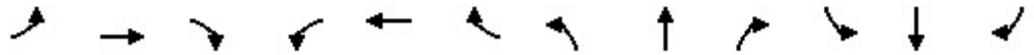
2021 Existing
Timing Plan: AM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	225	412	164	177	533	60	211	1001	128	23	987	189
Future Volume (vph)	225	412	164	177	533	60	211	1001	128	23	987	189
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	350		0	300		0	275		0	0		100
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	1.00
Frt		0.957			0.985			0.983				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3387	0	1770	3486	0	1770	3479	0	1770	3539	1583
Flt Permitted	0.123			0.123			0.950			0.950		
Satd. Flow (perm)	229	3387	0	229	3486	0	1770	3479	0	1770	3539	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		34			7			10				111
Link Speed (mph)		45			45			45				45
Link Distance (ft)		2106			1787			1192				1032
Travel Time (s)		31.9			27.1			18.1				15.6
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	250	458	182	197	592	67	234	1112	142	26	1097	210
Shared Lane Traffic (%)												
Lane Group Flow (vph)	250	640	0	197	659	0	234	1254	0	26	1097	210
Turn Type	D.P+P	NA		D.P+P	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	7	4		3	8		5	2		1	6	7
Permitted Phases	8			4								6
Detector Phase	7	4		3	8		5	2		1	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0		7.0	7.0		7.0	12.0		7.0	12.0	7.0
Minimum Split (s)	13.3	13.8		13.4	13.8		13.3	17.7		13.1	17.8	13.3
Total Split (s)	22.0	40.0		30.0	48.0		25.0	70.0		20.0	65.0	22.0
Total Split (%)	13.8%	25.0%		18.8%	30.0%		15.6%	43.8%		12.5%	40.6%	13.8%
Maximum Green (s)	15.7	33.2		23.6	41.2		18.7	64.3		13.9	59.2	15.7
Yellow Time (s)	3.0	4.6		3.0	4.6		3.0	4.4		3.0	4.4	3.0
All-Red Time (s)	3.3	2.2		3.4	2.2		3.3	1.3		3.1	1.4	3.3
Lost Time Adjust (s)	-1.3	-1.8		-1.4	-1.8		-1.3	-0.7		-1.1	-0.8	-1.3
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	1.0	1.0		1.0	1.0		1.0	6.0		1.0	6.0	1.0
Minimum Gap (s)	1.0	1.0		1.0	1.0		1.0	3.0		1.0	3.0	1.0
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	15.0		0.0	15.0	0.0
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	30.0		0.0	30.0	0.0
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	None
Act Effct Green (s)	53.0	34.6		53.0	36.0		26.0	83.8		8.4	60.9	82.9
Actuated g/C Ratio	0.33	0.22		0.33	0.22		0.16	0.52		0.05	0.38	0.52
v/c Ratio	1.05	0.84		0.78	0.83		0.81	0.69		0.28	0.81	0.24
Control Delay	112.4	75.3		61.0	68.1		85.6	32.7		80.6	50.6	10.5
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	112.4	75.3		61.0	68.1		85.6	32.7		80.6	50.6	10.5

Lanes, Volumes, Timings
 11: SW Cary Parkway & Old Apex Road

2021 Existing
 Timing Plan: AM Peak Hour

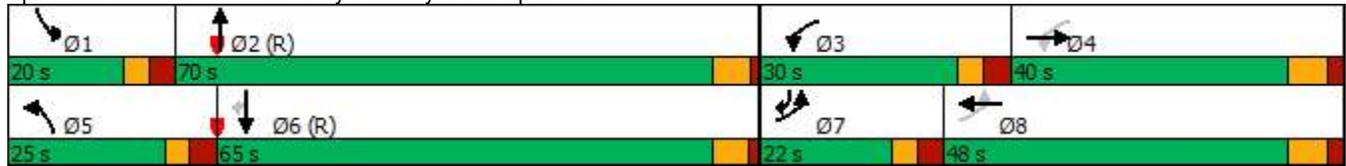


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	F	E		E	E		F	C		F	D	B
Approach Delay		85.7			66.5			41.0			44.9	
Approach LOS		F			E			D			D	
Queue Length 50th (ft)	~232	323		149	348		237	530		27	546	53
Queue Length 95th (ft)	m#375	404		227	398		#450	692		61	640	105
Internal Link Dist (ft)		2026			1707			1112			952	
Turn Bay Length (ft)	350			300			275					100
Base Capacity (vph)	239	776		321	941		288	1826		165	1348	874
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	1.05	0.82		0.61	0.70		0.81	0.69		0.16	0.81	0.24

Intersection Summary

Area Type: Other
 Cycle Length: 160
 Actuated Cycle Length: 160
 Offset: 137 (86%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 90
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.05
 Intersection Signal Delay: 55.6
 Intersection LOS: E
 Intersection Capacity Utilization 84.7%
 ICU Level of Service E
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.
 m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 11: SW Cary Parkway & Old Apex Road



Lanes, Volumes, Timings
9: SW Cary Parkway & Old Apex Road

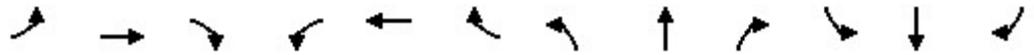
2024 No-Build
Timing Plan: AM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	207	540	181	191	369	22	132	938	178	20	846	114
Future Volume (vph)	207	540	181	191	369	22	132	938	178	20	846	114
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	350		0	300		0	275		0	0		100
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	1.00
Frt		0.962			0.992			0.976				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3405	0	1770	3511	0	1770	3454	0	1770	3539	1583
Flt Permitted	0.346			0.095			0.950			0.950		
Satd. Flow (perm)	645	3405	0	177	3511	0	1770	3454	0	1770	3539	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		31			3			15				68
Link Speed (mph)		45			45			45				45
Link Distance (ft)		2106			1787			1192				1032
Travel Time (s)		31.9			27.1			18.1				15.6
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	230	600	201	212	410	24	147	1042	198	22	940	127
Shared Lane Traffic (%)												
Lane Group Flow (vph)	230	801	0	212	434	0	147	1240	0	22	940	127
Turn Type	D.P+P	NA		D.P+P	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	7	4		3	8		5	2		1	6	7
Permitted Phases	8			4								6
Detector Phase	7	4		3	8		5	2		1	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0		7.0	7.0		7.0	12.0		7.0	12.0	7.0
Minimum Split (s)	13.3	13.8		13.4	13.8		13.3	17.7		13.1	17.8	13.3
Total Split (s)	40.0	58.0		25.0	43.0		22.0	60.0		17.0	55.0	40.0
Total Split (%)	25.0%	36.3%		15.6%	26.9%		13.8%	37.5%		10.6%	34.4%	25.0%
Maximum Green (s)	33.7	51.2		18.6	36.2		15.7	54.3		10.9	49.2	33.7
Yellow Time (s)	3.0	4.6		3.0	4.6		3.0	4.4		3.0	4.4	3.0
All-Red Time (s)	3.3	2.2		3.4	2.2		3.3	1.3		3.1	1.4	3.3
Lost Time Adjust (s)	-1.3	-1.8		-1.4	-1.8		-1.3	-0.7		-1.1	-0.8	-1.3
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	1.0	1.0		1.0	1.0		1.0	6.0		1.0	6.0	1.0
Minimum Gap (s)	1.0	1.0		1.0	1.0		1.0	3.0		1.0	3.0	1.0
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	15.0		0.0	15.0	0.0
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	30.0		0.0	30.0	0.0
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	None
Act Effct Green (s)	60.1	42.4		60.1	40.6		17.6	76.8		8.3	62.3	86.8
Actuated g/C Ratio	0.38	0.26		0.38	0.25		0.11	0.48		0.05	0.39	0.54
v/c Ratio	0.61	0.87		0.88	0.49		0.76	0.74		0.24	0.68	0.14
Control Delay	38.4	64.1		75.7	51.8		92.6	39.0		79.3	45.8	10.2
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	38.4	64.1		75.7	51.8		92.6	39.0		79.3	45.8	10.2

Lanes, Volumes, Timings
 9: SW Cary Parkway & Old Apex Road

2024 No-Build
 Timing Plan: AM Peak Hour

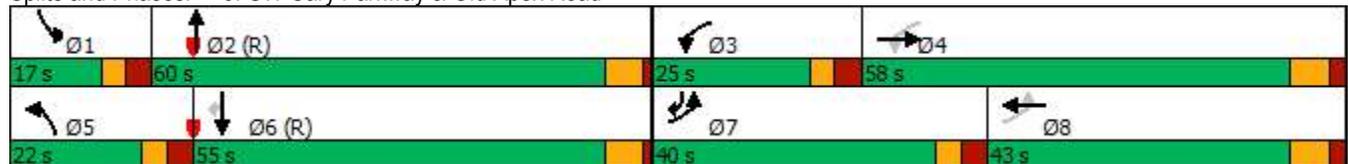


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	D	E		E	D		F	D		E	D	B
Approach Delay		58.4			59.7			44.7			42.3	
Approach LOS		E			E			D			D	
Queue Length 50th (ft)	161	409		167	202		151	581		23	438	29
Queue Length 95th (ft)	208	462		#274	248		232	#797		55	576	72
Internal Link Dist (ft)		2026			1707			1112			952	
Turn Bay Length (ft)	350			300			275					100
Base Capacity (vph)	508	1148		267	914		207	1665		132	1377	1036
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	0.45	0.70		0.79	0.47		0.71	0.74		0.17	0.68	0.12

Intersection Summary

Area Type: Other
 Cycle Length: 160
 Actuated Cycle Length: 160
 Offset: 35 (22%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 90
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 0.88
 Intersection Signal Delay: 49.8
 Intersection LOS: D
 Intersection Capacity Utilization 85.4%
 ICU Level of Service E
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 9: SW Cary Parkway & Old Apex Road



Lanes, Volumes, Timings
11: SW Cary Parkway & Old Apex Road

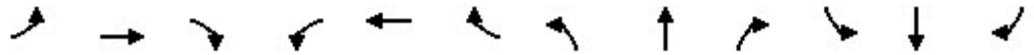
2021 Existing
Timing Plan: AM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	246	450	179	193	582	66	231	1094	140	25	1079	207
Future Volume (vph)	246	450	179	193	582	66	231	1094	140	25	1079	207
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	350		0	300		0	275		0	0		100
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	1.00
Frt		0.957			0.985			0.983				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3387	0	1770	3486	0	1770	3479	0	1770	3539	1583
Flt Permitted	0.105			0.112			0.950			0.950		
Satd. Flow (perm)	196	3387	0	209	3486	0	1770	3479	0	1770	3539	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		34			7			10				111
Link Speed (mph)		45			45			45				45
Link Distance (ft)		2106			1787			1192				1032
Travel Time (s)		31.9			27.1			18.1				15.6
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	273	500	199	214	647	73	257	1216	156	28	1199	230
Shared Lane Traffic (%)												
Lane Group Flow (vph)	273	699	0	214	720	0	257	1372	0	28	1199	230
Turn Type	D.P+P	NA		D.P+P	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	7	4		3	8		5	2		1	6	7
Permitted Phases	8			4								6
Detector Phase	7	4		3	8		5	2		1	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0		7.0	7.0		7.0	12.0		7.0	12.0	7.0
Minimum Split (s)	13.3	13.8		13.4	13.8		13.3	17.7		13.1	17.8	13.3
Total Split (s)	22.0	40.0		30.0	48.0		25.0	70.0		20.0	65.0	22.0
Total Split (%)	13.8%	25.0%		18.8%	30.0%		15.6%	43.8%		12.5%	40.6%	13.8%
Maximum Green (s)	15.7	33.2		23.6	41.2		18.7	64.3		13.9	59.2	15.7
Yellow Time (s)	3.0	4.6		3.0	4.6		3.0	4.4		3.0	4.4	3.0
All-Red Time (s)	3.3	2.2		3.4	2.2		3.3	1.3		3.1	1.4	3.3
Lost Time Adjust (s)	-1.3	-1.8		-1.4	-1.8		-1.3	-0.7		-1.1	-0.8	-1.3
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	1.0	1.0		1.0	1.0		1.0	6.0		1.0	6.0	1.0
Minimum Gap (s)	1.0	1.0		1.0	1.0		1.0	3.0		1.0	3.0	1.0
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	15.0		0.0	15.0	0.0
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	30.0		0.0	30.0	0.0
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	None
Act Effct Green (s)	55.5	36.0		55.5	38.5		24.5	81.3		8.5	60.0	82.0
Actuated g/C Ratio	0.35	0.22		0.35	0.24		0.15	0.51		0.05	0.38	0.51
v/c Ratio	1.17	0.89		0.82	0.85		0.95	0.77		0.30	0.90	0.27
Control Delay	143.4	76.2		66.1	68.0		107.8	37.4		81.2	57.7	11.7
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	143.4	76.2		66.1	68.0		107.8	37.4		81.2	57.7	11.7

Lanes, Volumes, Timings
 11: SW Cary Parkway & Old Apex Road

2021 Existing
 Timing Plan: AM Peak Hour

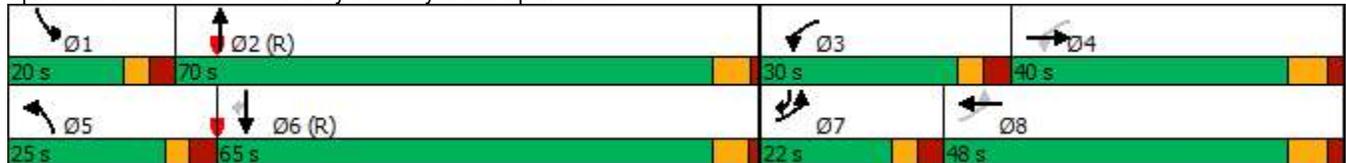


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	F	E		E	E		F	D		F	E	B
Approach Delay		95.1			67.5			48.5			50.9	
Approach LOS		F			E			D			D	
Queue Length 50th (ft)	~286	353		165	372		~287	654		29	623	64
Queue Length 95th (ft)	m#363	m#436		256	442		#506	797		64	725	120
Internal Link Dist (ft)		2026			1707			1112			952	
Turn Bay Length (ft)	350			300			275					100
Base Capacity (vph)	234	790		320	941		271	1772		165	1327	865
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	1.17	0.88		0.67	0.77		0.95	0.77		0.17	0.90	0.27

Intersection Summary

Area Type: Other
 Cycle Length: 160
 Actuated Cycle Length: 160
 Offset: 137 (86%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 110
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.17
 Intersection Signal Delay: 61.8
 Intersection LOS: E
 Intersection Capacity Utilization 91.1%
 ICU Level of Service F
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.
 m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 11: SW Cary Parkway & Old Apex Road



Lanes, Volumes, Timings
9: SW Cary Parkway & Old Apex Road

2024 Build - Phase 1
Timing Plan: AM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	216	549	193	191	372	22	135	938	178	20	846	117
Future Volume (vph)	216	549	193	191	372	22	135	938	178	20	846	117
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	350		0	300		0	275		0	0		100
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	1.00
Frt		0.961			0.992			0.976				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3401	0	1770	3511	0	1770	3454	0	1770	3539	1583
Flt Permitted	0.346			0.093			0.950			0.950		
Satd. Flow (perm)	645	3401	0	173	3511	0	1770	3454	0	1770	3539	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		33			3			15				68
Link Speed (mph)		45			45			45				45
Link Distance (ft)		2106			1787			1196				1042
Travel Time (s)		31.9			27.1			18.1				15.8
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	240	610	214	212	413	24	150	1042	198	22	940	130
Shared Lane Traffic (%)												
Lane Group Flow (vph)	240	824	0	212	437	0	150	1240	0	22	940	130
Turn Type	D.P+P	NA		D.P+P	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	7	4		3	8		5	2		1	6	7
Permitted Phases	8			4								6
Detector Phase	7	4		3	8		5	2		1	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0		7.0	7.0		7.0	12.0		7.0	12.0	7.0
Minimum Split (s)	13.3	13.8		13.4	13.8		13.3	17.7		13.1	17.8	13.3
Total Split (s)	40.0	58.0		25.0	43.0		22.0	60.0		17.0	55.0	40.0
Total Split (%)	25.0%	36.3%		15.6%	26.9%		13.8%	37.5%		10.6%	34.4%	25.0%
Maximum Green (s)	33.7	51.2		18.6	36.2		15.7	54.3		10.9	49.2	33.7
Yellow Time (s)	3.0	4.6		3.0	4.6		3.0	4.4		3.0	4.4	3.0
All-Red Time (s)	3.3	2.2		3.4	2.2		3.3	1.3		3.1	1.4	3.3
Lost Time Adjust (s)	-1.3	-1.8		-1.4	-1.8		-1.3	-0.7		-1.1	-0.8	-1.3
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	1.0	1.0		1.0	1.0		1.0	6.0		1.0	6.0	1.0
Minimum Gap (s)	1.0	1.0		1.0	1.0		1.0	3.0		1.0	3.0	1.0
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	15.0		0.0	15.0	0.0
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	30.0		0.0	30.0	0.0
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	None
Act Effct Green (s)	61.2	43.6		61.2	41.2		17.6	75.7		8.3	61.2	86.3
Actuated g/C Ratio	0.38	0.27		0.38	0.26		0.11	0.47		0.05	0.38	0.54
v/c Ratio	0.62	0.87		0.88	0.48		0.77	0.76		0.24	0.69	0.15
Control Delay	38.2	63.3		76.1	51.3		93.9	40.0		79.3	46.8	10.5
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	38.2	63.3		76.1	51.3		93.9	40.0		79.3	46.8	10.5

Lanes, Volumes, Timings
 9: SW Cary Parkway & Old Apex Road

2024 Build - Phase 1
 Timing Plan: AM Peak Hour

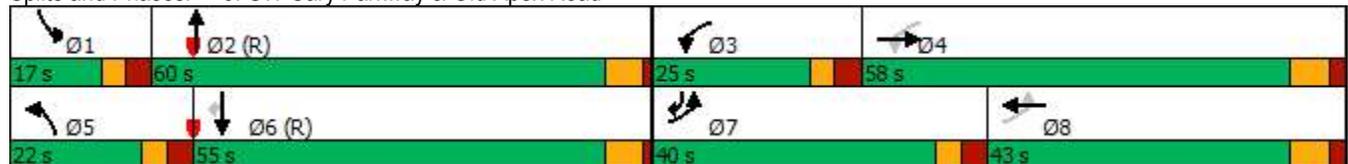


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	D	E		E	D		F	D		E	D	B
Approach Delay		57.6			59.4			45.8			43.1	
Approach LOS		E			E			D			D	
Queue Length 50th (ft)	168	420		167	203		154	587		23	445	31
Queue Length 95th (ft)	214	469		#273	246		#261	#818		55	576	73
Internal Link Dist (ft)		2026			1707			1116			962	
Turn Bay Length (ft)	350			300			275					100
Base Capacity (vph)	513	1148		267	924		206	1642		132	1354	1026
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	0.47	0.72		0.79	0.47		0.73	0.76		0.17	0.69	0.13

Intersection Summary

Area Type: Other
 Cycle Length: 160
 Actuated Cycle Length: 160
 Offset: 35 (22%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 90
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 0.88
 Intersection Signal Delay: 50.2
 Intersection LOS: D
 Intersection Capacity Utilization 86.0%
 ICU Level of Service E
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 9: SW Cary Parkway & Old Apex Road



Lanes, Volumes, Timings
9: SW Cary Parkway & Old Apex Road

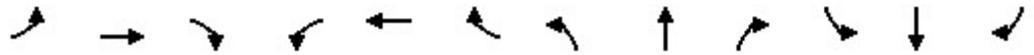
2024 Build - Phase 1
Timing Plan: PM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	251	455	185	193	590	66	243	1094	140	24	1079	215
Future Volume (vph)	251	455	185	193	590	66	243	1094	140	24	1079	215
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	350		0	300		0	275		0	0		100
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	1.00
Frt		0.957			0.985			0.983				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3387	0	1770	3486	0	1770	3479	0	1770	3539	1583
Flt Permitted	0.104			0.111			0.950			0.950		
Satd. Flow (perm)	194	3387	0	207	3486	0	1770	3479	0	1770	3539	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		35			7			10				111
Link Speed (mph)		45			45			45				45
Link Distance (ft)		2106			1787			1196				1042
Travel Time (s)		31.9			27.1			18.1				15.8
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	279	506	206	214	656	73	270	1216	156	27	1199	239
Shared Lane Traffic (%)												
Lane Group Flow (vph)	279	712	0	214	729	0	270	1372	0	27	1199	239
Turn Type	D.P+P	NA		D.P+P	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	7	4		3	8		5	2		1	6	7
Permitted Phases	8			4								6
Detector Phase	7	4		3	8		5	2		1	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0		7.0	7.0		7.0	12.0		7.0	12.0	7.0
Minimum Split (s)	13.3	13.8		13.4	13.8		13.3	17.7		13.1	17.8	13.3
Total Split (s)	22.0	40.0		30.0	48.0		25.0	70.0		20.0	65.0	22.0
Total Split (%)	13.8%	25.0%		18.8%	30.0%		15.6%	43.8%		12.5%	40.6%	13.8%
Maximum Green (s)	15.7	33.2		23.6	41.2		18.7	64.3		13.9	59.2	15.7
Yellow Time (s)	3.0	4.6		3.0	4.6		3.0	4.4		3.0	4.4	3.0
All-Red Time (s)	3.3	2.2		3.4	2.2		3.3	1.3		3.1	1.4	3.3
Lost Time Adjust (s)	-1.3	-1.8		-1.4	-1.8		-1.3	-0.7		-1.1	-0.8	-1.3
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	1.0	1.0		1.0	1.0		1.0	6.0		1.0	6.0	1.0
Minimum Gap (s)	1.0	1.0		1.0	1.0		1.0	3.0		1.0	3.0	1.0
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	15.0		0.0	15.0	0.0
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	30.0		0.0	30.0	0.0
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	None
Act Effct Green (s)	55.8	36.4		55.8	38.8		24.2	81.0		8.5	60.0	82.0
Actuated g/C Ratio	0.35	0.23		0.35	0.24		0.15	0.51		0.05	0.38	0.51
v/c Ratio	1.19	0.89		0.82	0.86		1.01	0.78		0.29	0.90	0.28
Control Delay	149.8	74.0		66.4	68.1		121.5	37.6		80.9	57.7	12.2
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	149.8	74.0		66.4	68.1		121.5	37.6		80.9	57.7	12.2

Lanes, Volumes, Timings
 9: SW Cary Parkway & Old Apex Road

2024 Build - Phase 1
 Timing Plan: PM Peak Hour

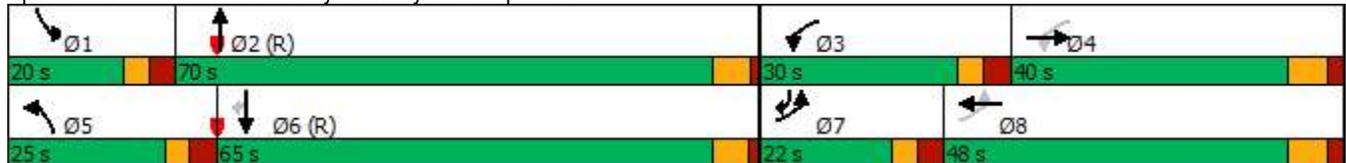


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	F	E		E	E		F	D		F	E	B
Approach Delay		95.4			67.7			51.4			50.7	
Approach LOS		F			E			D			D	
Queue Length 50th (ft)	~300	362		164	376		~323	658		28	623	70
Queue Length 95th (ft)	m#345	m407		257	449		#536	797		63	725	128
Internal Link Dist (ft)		2026			1707			1116			962	
Turn Bay Length (ft)	350			300			275					100
Base Capacity (vph)	235	798		320	941		268	1766		165	1327	865
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	1.19	0.89		0.67	0.77		1.01	0.78		0.16	0.90	0.28

Intersection Summary

Area Type: Other
 Cycle Length: 160
 Actuated Cycle Length: 160
 Offset: 137 (86%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 120
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.19
 Intersection Signal Delay: 62.9 Intersection LOS: E
 Intersection Capacity Utilization 92.3% ICU Level of Service F
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.
 m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 9: SW Cary Parkway & Old Apex Road



Lanes, Volumes, Timings
9: SW Cary Parkway & Old Apex Road

2024 Build - Full Build Out
Timing Plan: AM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	216	549	194	191	373	22	136	938	178	20	846	117
Future Volume (vph)	216	549	194	191	373	22	136	938	178	20	846	117
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	350		0	300		0	275		0	0		100
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	1.00
Frt		0.961			0.992			0.976				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3401	0	1770	3511	0	1770	3454	0	1770	3539	1583
Flt Permitted	0.346			0.092			0.950			0.950		
Satd. Flow (perm)	645	3401	0	171	3511	0	1770	3454	0	1770	3539	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		33			3			15				68
Link Speed (mph)		45			45			45				45
Link Distance (ft)		2106			1787			1196				1042
Travel Time (s)		31.9			27.1			18.1				15.8
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	240	610	216	212	414	24	151	1042	198	22	940	130
Shared Lane Traffic (%)												
Lane Group Flow (vph)	240	826	0	212	438	0	151	1240	0	22	940	130
Turn Type	D.P+P	NA		D.P+P	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	7	4		3	8		5	2		1	6	7
Permitted Phases	8			4								6
Detector Phase	7	4		3	8		5	2		1	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0		7.0	7.0		7.0	12.0		7.0	12.0	7.0
Minimum Split (s)	13.3	13.8		13.4	13.8		13.3	17.7		13.1	17.8	13.3
Total Split (s)	40.0	58.0		25.0	43.0		22.0	60.0		17.0	55.0	40.0
Total Split (%)	25.0%	36.3%		15.6%	26.9%		13.8%	37.5%		10.6%	34.4%	25.0%
Maximum Green (s)	33.7	51.2		18.6	36.2		15.7	54.3		10.9	49.2	33.7
Yellow Time (s)	3.0	4.6		3.0	4.6		3.0	4.4		3.0	4.4	3.0
All-Red Time (s)	3.3	2.2		3.4	2.2		3.3	1.3		3.1	1.4	3.3
Lost Time Adjust (s)	-1.3	-1.8		-1.4	-1.8		-1.3	-0.7		-1.1	-0.8	-1.3
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	1.0	1.0		1.0	1.0		1.0	6.0		1.0	6.0	1.0
Minimum Gap (s)	1.0	1.0		1.0	1.0		1.0	3.0		1.0	3.0	1.0
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	15.0		0.0	15.0	0.0
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	30.0		0.0	30.0	0.0
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	None
Act Effct Green (s)	61.3	43.6		61.3	41.3		17.7	75.7		8.3	61.0	86.1
Actuated g/C Ratio	0.38	0.27		0.38	0.26		0.11	0.47		0.05	0.38	0.54
v/c Ratio	0.62	0.87		0.88	0.48		0.77	0.76		0.24	0.70	0.15
Control Delay	38.1	63.3		76.7	51.2		93.7	40.1		79.3	47.0	10.5
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	38.1	63.3		76.7	51.2		93.7	40.1		79.3	47.0	10.5

Lanes, Volumes, Timings
 9: SW Cary Parkway & Old Apex Road

2024 Build - Full Build Out
 Timing Plan: AM Peak Hour

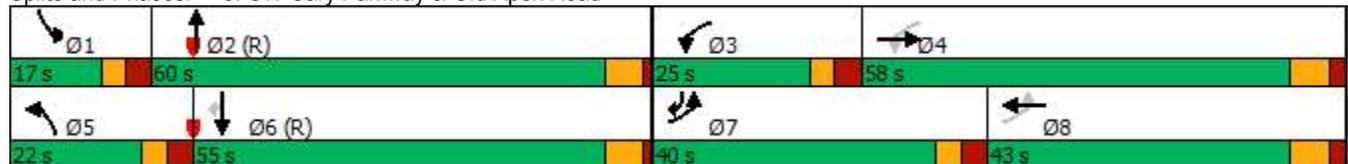


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	D	E		E	D		F	D		E	D	B
Approach Delay		57.6			59.6			45.9			43.3	
Approach LOS		E			E			D			D	
Queue Length 50th (ft)	168	421		168	203		154	587		23	446	31
Queue Length 95th (ft)	213	470		#274	247		#264	#820		55	576	73
Internal Link Dist (ft)		2026			1707			1116			962	
Turn Bay Length (ft)	350			300			275					100
Base Capacity (vph)	513	1148		267	926		206	1641		132	1350	1024
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	0.47	0.72		0.79	0.47		0.73	0.76		0.17	0.70	0.13

Intersection Summary

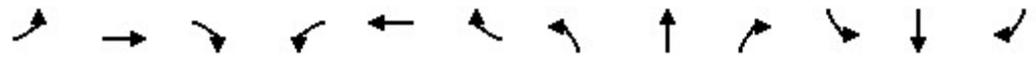
Area Type: Other
 Cycle Length: 160
 Actuated Cycle Length: 160
 Offset: 35 (22%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 90
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 0.88
 Intersection Signal Delay: 50.3
 Intersection LOS: D
 Intersection Capacity Utilization 86.1%
 ICU Level of Service E
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 9: SW Cary Parkway & Old Apex Road



Lanes, Volumes, Timings
9: SW Cary Parkway & Old Apex Road

2024 Build - Full Build Out
Timing Plan: PM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	254	458	190	193	593	66	248	1094	140	25	1079	218
Future Volume (vph)	254	458	190	193	593	66	248	1094	140	25	1079	218
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	350		0	300		0	275		0	0		100
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	1.00
Frt		0.956			0.985			0.983				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3383	0	1770	3486	0	1770	3479	0	1770	3539	1583
Flt Permitted	0.104			0.110			0.950			0.950		
Satd. Flow (perm)	194	3383	0	205	3486	0	1770	3479	0	1770	3539	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		36			7			10				111
Link Speed (mph)		45			45			45				45
Link Distance (ft)		2106			1787			1196				1042
Travel Time (s)		31.9			27.1			18.1				15.8
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	282	509	211	214	659	73	276	1216	156	28	1199	242
Shared Lane Traffic (%)												
Lane Group Flow (vph)	282	720	0	214	732	0	276	1372	0	28	1199	242
Turn Type	D.P+P	NA		D.P+P	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	7	4		3	8		5	2		1	6	7
Permitted Phases	8			4								6
Detector Phase	7	4		3	8		5	2		1	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0		7.0	7.0		7.0	12.0		7.0	12.0	7.0
Minimum Split (s)	13.3	13.8		13.4	13.8		13.3	17.7		13.1	17.8	13.3
Total Split (s)	22.0	40.0		30.0	48.0		25.0	70.0		20.0	65.0	22.0
Total Split (%)	13.8%	25.0%		18.8%	30.0%		15.6%	43.8%		12.5%	40.6%	13.8%
Maximum Green (s)	15.7	33.2		23.6	41.2		18.7	64.3		13.9	59.2	15.7
Yellow Time (s)	3.0	4.6		3.0	4.6		3.0	4.4		3.0	4.4	3.0
All-Red Time (s)	3.3	2.2		3.4	2.2		3.3	1.3		3.1	1.4	3.3
Lost Time Adjust (s)	-1.3	-1.8		-1.4	-1.8		-1.3	-0.7		-1.1	-0.8	-1.3
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	1.0	1.0		1.0	1.0		1.0	6.0		1.0	6.0	1.0
Minimum Gap (s)	1.0	1.0		1.0	1.0		1.0	3.0		1.0	3.0	1.0
Time Before Reduce (s)	0.0	0.0		0.0	0.0		0.0	15.0		0.0	15.0	0.0
Time To Reduce (s)	0.0	0.0		0.0	0.0		0.0	30.0		0.0	30.0	0.0
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	None
Act Effct Green (s)	56.0	36.7		56.0	39.0		24.0	80.8		8.5	60.0	82.0
Actuated g/C Ratio	0.35	0.23		0.35	0.24		0.15	0.50		0.05	0.38	0.51
v/c Ratio	1.20	0.90		0.82	0.86		1.04	0.78		0.30	0.90	0.28
Control Delay	150.5	72.7		66.7	67.8		129.0	37.9		81.2	57.7	12.4
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	150.5	72.7		66.7	67.8		129.0	37.9		81.2	57.7	12.4

Lanes, Volumes, Timings
 9: SW Cary Parkway & Old Apex Road

2024 Build - Full Build Out
 Timing Plan: PM Peak Hour

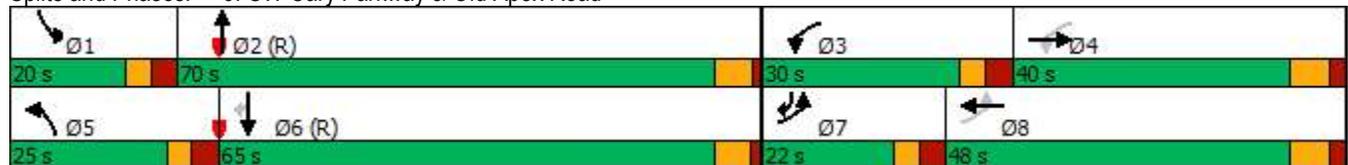


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	F	E		E	E		F	D		F	E	B
Approach Delay		94.6			67.6			53.1			50.7	
Approach LOS		F			E			D			D	
Queue Length 50th (ft)	~305	366		164	376		~343	664		29	623	72
Queue Length 95th (ft)	m#325	m393		257	451		#551	797		64	725	131
Internal Link Dist (ft)		2026			1707			1116			962	
Turn Bay Length (ft)	350			300			275					100
Base Capacity (vph)	235	803		320	941		265	1760		165	1327	865
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	1.20	0.90		0.67	0.78		1.04	0.78		0.17	0.90	0.28

Intersection Summary

Area Type: Other
 Cycle Length: 160
 Actuated Cycle Length: 160
 Offset: 137 (86%), Referenced to phase 2:NBT and 6:SBT, Start of Green
 Natural Cycle: 110
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.20
 Intersection Signal Delay: 63.3 Intersection LOS: E
 Intersection Capacity Utilization 92.8% ICU Level of Service F
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.
 m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 9: SW Cary Parkway & Old Apex Road



APPENDIX I

CAPACITY ANALYSIS CALCULATIONS

Laura Duncan Road

&

Access B

Intersection						
Int Delay, s/veh	0.4					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T			T		T
Traffic Vol, veh/h	4	4	4	64	162	4
Future Vol, veh/h	4	4	4	64	162	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	4	4	71	180	4

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	261	182	184	0	0
Stage 1	182	-	-	-	-
Stage 2	79	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	728	861	1391	-	-
Stage 1	849	-	-	-	-
Stage 2	944	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	726	861	1391	-	-
Mov Cap-2 Maneuver	726	-	-	-	-
Stage 1	846	-	-	-	-
Stage 2	944	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.6	0.4	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1391	-	788	-	-
HCM Lane V/C Ratio	0.003	-	0.011	-	-
HCM Control Delay (s)	7.6	0	9.6	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T			T		
Traffic Vol, veh/h	4	4	4	61	149	5
Future Vol, veh/h	4	4	4	61	149	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	4	4	68	166	6

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	245	169	172	0	0
Stage 1	169	-	-	-	-
Stage 2	76	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	743	875	1405	-	-
Stage 1	861	-	-	-	-
Stage 2	947	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	741	875	1405	-	-
Mov Cap-2 Maneuver	741	-	-	-	-
Stage 1	858	-	-	-	-
Stage 2	947	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.5	0.5	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1405	-	802	-	-
HCM Lane V/C Ratio	0.003	-	0.011	-	-
HCM Control Delay (s)	7.6	0	9.5	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Intersection						
Int Delay, s/veh	0.4					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T			T		
Traffic Vol, veh/h	4	4	4	64	162	4
Future Vol, veh/h	4	4	4	64	162	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	4	4	71	180	4

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	261	182	184	0	0
Stage 1	182	-	-	-	-
Stage 2	79	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	728	861	1391	-	-
Stage 1	849	-	-	-	-
Stage 2	944	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	726	861	1391	-	-
Mov Cap-2 Maneuver	726	-	-	-	-
Stage 1	846	-	-	-	-
Stage 2	944	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.6	0.4	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1391	-	788	-	-
HCM Lane V/C Ratio	0.003	-	0.011	-	-
HCM Control Delay (s)	7.6	0	9.6	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T			T		
Traffic Vol, veh/h	4	4	4	63	151	5
Future Vol, veh/h	4	4	4	63	151	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	4	4	70	168	6

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	249	171	174	0	0
Stage 1	171	-	-	-	-
Stage 2	78	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	739	873	1403	-	-
Stage 1	859	-	-	-	-
Stage 2	945	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	737	873	1403	-	-
Mov Cap-2 Maneuver	737	-	-	-	-
Stage 1	856	-	-	-	-
Stage 2	945	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.6	0.5	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1403	-	799	-	-
HCM Lane V/C Ratio	0.003	-	0.011	-	-
HCM Control Delay (s)	7.6	0	9.6	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

APPENDIX J

CAPACITY ANALYSIS CALCULATIONS

Candun Drive

&

Access C

Intersection												
Int Delay, s/veh	3.5											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	4	29	4	4	31	4	4	4	9	13	4	4
Future Vol, veh/h	4	29	4	4	31	4	4	4	9	13	4	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	4	32	4	4	34	4	4	4	10	14	4	4

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	38	0	0	36	0	0	90	88	34	93	88	36
Stage 1	-	-	-	-	-	-	42	42	-	44	44	-
Stage 2	-	-	-	-	-	-	48	46	-	49	44	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1572	-	-	1575	-	-	895	802	1039	891	802	1037
Stage 1	-	-	-	-	-	-	972	860	-	970	858	-
Stage 2	-	-	-	-	-	-	965	857	-	964	858	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1572	-	-	1575	-	-	883	797	1039	875	797	1037
Mov Cap-2 Maneuver	-	-	-	-	-	-	883	797	-	875	797	-
Stage 1	-	-	-	-	-	-	969	857	-	967	855	-
Stage 2	-	-	-	-	-	-	953	854	-	947	855	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.8			0.7			8.9			9.2		
HCM LOS							A			A		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	934	1572	-	-	1575	-	-	885
HCM Lane V/C Ratio	0.02	0.003	-	-	0.003	-	-	0.026
HCM Control Delay (s)	8.9	7.3	0	-	7.3	0	-	9.2
HCM Lane LOS	A	A	A	-	A	A	-	A
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.1

Intersection												
Int Delay, s/veh	3.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	4	24	4	8	23	12	4	4	5	7	4	4
Future Vol, veh/h	4	24	4	8	23	12	4	4	5	7	4	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	4	27	4	9	26	13	4	4	6	8	4	4

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	39	0	0	31	0	0	92	94	29	93	90	33
Stage 1	-	-	-	-	-	-	37	37	-	51	51	-
Stage 2	-	-	-	-	-	-	55	57	-	42	39	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1571	-	-	1582	-	-	892	796	1046	891	800	1041
Stage 1	-	-	-	-	-	-	978	864	-	962	852	-
Stage 2	-	-	-	-	-	-	957	847	-	972	862	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1571	-	-	1582	-	-	879	789	1046	877	793	1041
Mov Cap-2 Maneuver	-	-	-	-	-	-	879	789	-	877	793	-
Stage 1	-	-	-	-	-	-	975	861	-	959	847	-
Stage 2	-	-	-	-	-	-	942	842	-	959	859	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.9			1.4			9.1			9.1		
HCM LOS							A			A		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	903	1571	-	-	1582	-	-	889
HCM Lane V/C Ratio	0.016	0.003	-	-	0.006	-	-	0.019
HCM Control Delay (s)	9.1	7.3	0	-	7.3	0	-	9.1
HCM Lane LOS	A	A	A	-	A	A	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.1

Intersection												
Int Delay, s/veh	3.5											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	4	29	4	4	31	4	4	4	9	13	4	4
Future Vol, veh/h	4	29	4	4	31	4	4	4	9	13	4	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	4	32	4	4	34	4	4	4	10	14	4	4

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	38	0	0	36	0	0	90	88	34	93	88	36
Stage 1	-	-	-	-	-	-	42	42	-	44	44	-
Stage 2	-	-	-	-	-	-	48	46	-	49	44	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1572	-	-	1575	-	-	895	802	1039	891	802	1037
Stage 1	-	-	-	-	-	-	972	860	-	970	858	-
Stage 2	-	-	-	-	-	-	965	857	-	964	858	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1572	-	-	1575	-	-	883	797	1039	875	797	1037
Mov Cap-2 Maneuver	-	-	-	-	-	-	883	797	-	875	797	-
Stage 1	-	-	-	-	-	-	969	857	-	967	855	-
Stage 2	-	-	-	-	-	-	953	854	-	947	855	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.8			0.7			8.9			9.2		
HCM LOS							A			A		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	934	1572	-	-	1575	-	-	885
HCM Lane V/C Ratio	0.02	0.003	-	-	0.003	-	-	0.026
HCM Control Delay (s)	8.9	7.3	0	-	7.3	0	-	9.2
HCM Lane LOS	A	A	A	-	A	A	-	A
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.1

Intersection												
Int Delay, s/veh	3.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	4	24	4	8	23	12	4	4	5	7	4	4
Future Vol, veh/h	4	24	4	8	23	12	4	4	5	7	4	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	4	27	4	9	26	13	4	4	6	8	4	4

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	39	0	0	31	0	0	92	94	29	93	90	33
Stage 1	-	-	-	-	-	-	37	37	-	51	51	-
Stage 2	-	-	-	-	-	-	55	57	-	42	39	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1571	-	-	1582	-	-	892	796	1046	891	800	1041
Stage 1	-	-	-	-	-	-	978	864	-	962	852	-
Stage 2	-	-	-	-	-	-	957	847	-	972	862	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1571	-	-	1582	-	-	879	789	1046	877	793	1041
Mov Cap-2 Maneuver	-	-	-	-	-	-	879	789	-	877	793	-
Stage 1	-	-	-	-	-	-	975	861	-	959	847	-
Stage 2	-	-	-	-	-	-	942	842	-	959	859	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.9			1.4			9.1			9.1		
HCM LOS							A			A		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	903	1571	-	-	1582	-	-	889
HCM Lane V/C Ratio	0.016	0.003	-	-	0.006	-	-	0.019
HCM Control Delay (s)	9.1	7.3	0	-	7.3	0	-	9.1
HCM Lane LOS	A	A	A	-	A	A	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.1

APPENDIX K

CAPACITY ANALYSIS CALCULATIONS

Candun Drive

&

Access D

Intersection						
Int Delay, s/veh	1.9					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	Y		T			T
Traffic Vol, veh/h	13	4	31	4	4	39
Future Vol, veh/h	13	4	31	4	4	39
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	14	4	34	4	4	43

Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	87	36	0	0	38	0
Stage 1	36	-	-	-	-	-
Stage 2	51	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	914	1037	-	-	1572	-
Stage 1	986	-	-	-	-	-
Stage 2	971	-	-	-	-	-
Platoon blocked, %			-	-		
Mov Cap-1 Maneuver	911	1037	-	-	1572	-
Mov Cap-2 Maneuver	911	-	-	-	-	-
Stage 1	986	-	-	-	-	-
Stage 2	968	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.9	0	0.7
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	938	1572
HCM Lane V/C Ratio	-	-	0.02	0.003
HCM Control Delay (s)	-	-	8.9	7.3
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0

Intersection						
Int Delay, s/veh	1.5					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	Y		T			T
Traffic Vol, veh/h	7	4	32	12	4	27
Future Vol, veh/h	7	4	32	12	4	27
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	8	4	36	13	4	30

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	81	43	0	0	49
Stage 1	43	-	-	-	-
Stage 2	38	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218
Pot Cap-1 Maneuver	921	1027	-	-	1558
Stage 1	979	-	-	-	-
Stage 2	984	-	-	-	-
Platoon blocked, %					
Mov Cap-1 Maneuver	918	1027	-	-	1558
Mov Cap-2 Maneuver	918	-	-	-	-
Stage 1	979	-	-	-	-
Stage 2	981	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.8	0	0.9
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	955	1558
HCM Lane V/C Ratio	-	-	0.013	0.003
HCM Control Delay (s)	-	-	8.8	7.3
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0	0

Intersection						
Int Delay, s/veh	1.9					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	Y		T			T
Traffic Vol, veh/h	13	4	31	4	4	39
Future Vol, veh/h	13	4	31	4	4	39
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	14	4	34	4	4	43

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	87	36	0	0	38
Stage 1	36	-	-	-	-
Stage 2	51	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218
Pot Cap-1 Maneuver	914	1037	-	-	1572
Stage 1	986	-	-	-	-
Stage 2	971	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	911	1037	-	-	1572
Mov Cap-2 Maneuver	911	-	-	-	-
Stage 1	986	-	-	-	-
Stage 2	968	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.9	0	0.7
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	938	1572
HCM Lane V/C Ratio	-	-	0.02	0.003
HCM Control Delay (s)	-	-	8.9	7.3
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0

Intersection						
Int Delay, s/veh	1.5					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	Y		T			T
Traffic Vol, veh/h	7	4	32	12	4	27
Future Vol, veh/h	7	4	32	12	4	27
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	8	4	36	13	4	30

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	81	43	0	0	49
Stage 1	43	-	-	-	-
Stage 2	38	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218
Pot Cap-1 Maneuver	921	1027	-	-	1558
Stage 1	979	-	-	-	-
Stage 2	984	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	918	1027	-	-	1558
Mov Cap-2 Maneuver	918	-	-	-	-
Stage 1	979	-	-	-	-
Stage 2	981	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.8	0	0.9
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	955	1558
HCM Lane V/C Ratio	-	-	0.013	0.003
HCM Control Delay (s)	-	-	8.8	7.3
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0	0

APPENDIX L

CAPACITY ANALYSIS CALCULATIONS

N. Salem Street

&

Access E

Intersection						
Int Delay, s/veh	0.2					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	549	4	5	437	4	4
Future Vol, veh/h	549	4	5	437	4	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	610	4	6	486	4	4

Major/Minor	Major1	Major2	Minor1	Minor2	Minor3
Conflicting Flow All	0	0	614	0	1110
Stage 1	-	-	-	-	612
Stage 2	-	-	-	-	498
Critical Hdwy	-	-	4.12	-	6.42
Critical Hdwy Stg 1	-	-	-	-	5.42
Critical Hdwy Stg 2	-	-	-	-	5.42
Follow-up Hdwy	-	-	2.218	-	3.518
Pot Cap-1 Maneuver	-	-	965	-	232
Stage 1	-	-	-	-	541
Stage 2	-	-	-	-	611
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	965	-	231
Mov Cap-2 Maneuver	-	-	-	-	366
Stage 1	-	-	-	-	541
Stage 2	-	-	-	-	607

Approach	EB	WB	NB
HCM Control Delay, s	0	0.1	13.8
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	420	-	-	965	-
HCM Lane V/C Ratio	0.021	-	-	0.006	-
HCM Control Delay (s)	13.8	-	-	8.8	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0	-

Intersection						
Int Delay, s/veh	0.9					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↔		↔	↑	↔	
Traffic Vol, veh/h	543	16	32	559	18	33
Future Vol, veh/h	543	16	32	559	18	33
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	100	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	603	18	36	621	20	37

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	621	0	1305 612
Stage 1	-	-	-	-	612 -
Stage 2	-	-	-	-	693 -
Critical Hdwy	-	-	4.12	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	-	-	2.218	-	3.518 3.318
Pot Cap-1 Maneuver	-	-	960	-	177 493
Stage 1	-	-	-	-	541 -
Stage 2	-	-	-	-	496 -
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	960	-	170 493
Mov Cap-2 Maneuver	-	-	-	-	309 -
Stage 1	-	-	-	-	541 -
Stage 2	-	-	-	-	478 -

Approach	EB	WB	NB
HCM Control Delay, s	0	0.5	15.3
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	407	-	-	960	-
HCM Lane V/C Ratio	0.139	-	-	0.037	-
HCM Control Delay (s)	15.3	-	-	8.9	-
HCM Lane LOS	C	-	-	A	-
HCM 95th %tile Q(veh)	0.5	-	-	0.1	-

December 1, 2021

Jess Achenbach
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Subject: **Trip Generation Comparison Letter** – Laura Duncan Road Development
Apex, North Carolina

Dear Mr. Achenbach:

This letter provides an estimate of the trip generation for the proposed Laura Duncan Road development located north of N. Salem Street / Old Apex Road on both sides of Laura Duncan Road in Apex, North Carolina. The purpose of this letter is to compare the site trips associated with the allowable land uses under the current zoning (Planned Commercial) versus the site trips associated with the future land use (high density residential) under the proposed zoning (Planned Unit Development) for all parcels north of N. Salem Street / Old Apex Road to illustrate that the proposed development is expected to generate fewer site trips with the future land uses associated with the rezoning.

Under the proposed zoning (Planned Unit Development), the proposed development is assumed to consist of approximately 240 apartment units for all parcels north of N. Salem Street / Old Apex Road. Assuming current setbacks and buffers with a consistent internal drive aisle, the maximum building footprint for the allowable land uses under the current zoning (Planned Commercial) for all parcels north of N. Salem Street / Old Apex Road inside the parking boundary is approximately 88,000 square feet. Based on a maximum height of 75 feet (5 stories), the total building square footage for the allowable land uses under the current zoning is approximately 440,000 square feet. For the purposes of this letter, 5-story buildings with general retail space on the ground floor (total of 88,000 square feet) and general office space on the remaining 4 stories (total of 352,000 square feet) were assumed for all parcels north of N. Salem Street / Old Apex Road.

Trip Generation

Average daily traffic and weekday AM and PM peak hour trips for the land uses associated with the development's current and proposed zoning were estimated using the methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Table 1 provides a comparison of the trip generation potential for the land uses associated with the development's current and proposed zoning based on ITE LUC 220 (Multifamily Housing (Low-Rise)), ITE LUC 710 (General Office Building) and ITE LUC 820 (Shopping Center) trip generation equations.

Table 1: Trip Generation Summary

SCENARIO	LAND USE (ITE CODE)	INTENSITY	DAILY TRAFFIC (VPD)	AM PEAK HOUR TRIPS (VPH)		PM PEAK HOUR TRIPS (VPH)	
				ENTER	EXIT	ENTER	EXIT
Current Zoning <i>(Planned Commercial)</i>	General Office Building (710)	352,000 SF	3,598	442	61	81	372
	Retail (820)	88,000 SF	5,512	51 [^]	32 [^]	237	257
	Total Trips		9,110	493	93	318	629
	<i>Pass-By Trips: Retail (LUC 820) [0% AM, 34% PM]</i>			-0	-0	-84	-84
	Total External Trips			493	93	234	545
Proposed Zoning <i>(Planned Unit Development)</i>	Multifamily Housing (Low-Rise) (220)	240 units	1,774	25	85	81	48
Difference (Combined Office and Retail)			7,336	468	8	153	497
Difference (Office Only)			1,824	417	-24	0	324
Difference (Retail Only)			3,738	26	-53	72	125

[^]Rates were used instead of equations for generating AM peak hour trips

As shown in Table 1, based on the ITE *Trip Generation Manual*, 10th Edition, it is estimated that the combination of office and retail allowable land uses under the current zoning (Planned Commercial) could generate approximately 7,336 additional daily trips on the roadway network during a typical 24-hour weekday period in comparison with the future land use (high density residential) under the proposed zoning (Planned Unit Development) for all parcels north of N. Salem Street / Old Apex Road. Of the daily traffic volume, it is anticipated that an additional 476 total trips (468 entering and 8 exiting) will occur during the weekday AM peak hour and an additional 650 total trips (153 entering and 497 exiting) will occur during the weekday PM peak hour after the reduction for pass-by trips.

If only the office allowable land use under the current zoning was developed by-right, as shown in Table 1, it is estimated that the development could generate approximately 1,824 additional daily trips on the roadway network during a typical 24-hour weekday period in comparison with the future land use (high density residential) under the proposed zoning. Of the daily traffic volume, it is anticipated that an additional 393 total trips (417 entering and -24 exiting) will occur during the weekday AM peak hour and an additional 324 total trips (0 entering and 324 exiting) will occur during the weekday PM peak hour.



Moving forward.

If only the retail allowable land use under the current zoning was developed by-right, as shown in Table 1, it is estimated that the development could generate approximately 3,728 additional daily trips on the roadway network during a typical 24-hour weekday period in comparison with the future land use (high density residential) under the proposed zoning. Of the daily traffic volume, it is anticipated that 27 fewer total trips (26 entering and -53 exiting) will occur during the weekday AM peak hour and an additional 197 total trips (72 entering and 125 exiting) will occur during the weekday PM peak hour after the reduction for pass-by trips.

Findings and Summary

The calculations provided in this letter are estimations of the trip generation potential for the proposed site based on data from the ITE *Trip Generation Manual*, 10th Edition. Based on the trip generation results, the future land use (high density residential) under the proposed zoning (Planned Unit Development) for all parcels north of N. Salem Street / Old Apex Road is expected to generate significantly fewer trips in comparison to the allowable land uses under the current zoning (Planned Commercial) and will therefore have a lesser impact on the surrounding roadway network with the rezoning with one exception. If only the retail allowable land use under the current zoning was developed by-right, it is anticipated that approximately 27 fewer total trips will occur during the weekday AM peak hour. This is not uncommon for general retail/shopping center land uses which typically generate fewer site trips in the morning but experience a relatively uniform distribution of site traffic through a typical weekday.

If you should have any questions, please feel free to contact me at (919) 872-5115.

Sincerely,

Michael Karpinski, P.E.
Traffic Engineering Project Manager
Ramey Kemp Associates



12/1/2021

NC Corporate License # C-0910



PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ29 North Salem Station PUD

Planning Board Meeting Date: April 11, 2022



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: +/- 10.39

PIN(s): 0753024120, 0753026029, 0753028181, 0753019925, 0753019769, 0753016795, 0753015606, 0753013228, and 0713908968

Current Zoning: Planned Commercial (7 parcels) and Neighborhood Business (2 parcels)

Proposed Zoning: Planned Unit Development-Conditional Zoning

2045 Land Use Map: High Density Residential (Apartments Only)/Commercial Services and High Density Residential/Office Employment +

Town Limits: Inside Corporate Limits

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

Parks, Recreation, Open Space, and Greenways Plan
 Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ29 North Salem Station PUD

Planning Board Meeting Date: April 11, 2022



Legislative Considerations:

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.

Consistent Inconsistent Reason: _____

2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

Consistent Inconsistent Reason: _____

3. *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.

Consistent Inconsistent Reason: _____

4. *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

Consistent Inconsistent Reason: _____

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ29 North Salem Station PUD

Planning Board Meeting Date: April 11, 2022



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use’s avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

Consistent Inconsistent Reason: _____

7. *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use’s effect on the health, safety, or welfare of the residents of the Town or its ETJ.

Consistent Inconsistent Reason: _____

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

Consistent Inconsistent Reason: _____

9. *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

Consistent Inconsistent Reason: _____

10. *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ29 North Salem Station PUD

Planning Board Meeting Date: April 11, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Ryan Akers

- Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions proposed by the applicant.

- Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 4 Planning Board Member(s) voting "aye"

With 3 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

Elaine Boyle, Tim Royal, and Keith Braswell voted no for the following reasons: Parking ratio too low, traffic in area is dangerous, density proposed is too high, RCA across North Salem Street, versus "on-site", intersection improvements needed for children walking to school.

This report reflects the recommendation of the Planning Board, this the 11th day of April 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.04.11 19:04:26
-04'00'

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919 249 2426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #21CZ29
North Salem Station PUD

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Ana Wadsworth, The Wooten Company
- Authorized Agent:** Jeff Shifflett, Castle Development Partners
- Property Addresses:** 0 Candun Dr., 0 Laura Duncan Rd., & 0 N. Salem St.
- Acreage:** ±10.39 acres
- Property Identification Numbers (PINs):** 0753024120, 0753026029, 0753028181, 0753019925, 0753019769, 0753016795, 0753015606, 0753013228, & 0743908968
- 2045 Land Use Map Designation:** High-Density Residential (apartments only)/Commercial Services and High-Density Residential/Office Employment
- Existing Zoning of Properties:** Planned Commercial (PC) & Neighborhood Business (B1)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)
- Public Hearing Location:** Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: April 11, 2022 4:30 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.rainie.com/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/472. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37713/21CZ29>.

Dianne F. Kbin, AICP
Director of Planning and Community Development

Published Dates: March 25 – April 11, 2022



TOWN OF APEX
 POST OFFICE BOX 250
 APEX, NORTH CAROLINA 27502
 PHONE 919-249-3426

**PUBLIC NOTIFICATION
 OF PUBLIC HEARINGS
 CONDITIONAL ZONING #21CZ29
 North Salem Station PUD**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Ana Wadsworth, The Wooten Company
- Authorized Agent:** Jeff Shifflett, Castle Development Partners
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- 2045 Land Use Map Designation:** High-Density Residential (apartments only)/Commercial Services and High-Density Residential/Office Employment
- Existing Zoning of Properties:** Planned Commercial (PC) & Neighborhood Business (B1)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
 Council Chamber, 2nd Floor
 73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: April 11, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37713/21CZ29>.

Dianne F. Khin, AICP
 Director of Planning and Community Development



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ29

North Salem Station PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Ana Wadsworth, The Wooten Company

Agente autorizado: Jeff Shifflett, Castle Development Partners

Dirección de las propiedades: 0 Candun Dr., 0 Laura Duncan Rd., & 0 N. Salem St.

Superficie: ±10.39 acres

Números de identificación de las propiedades: 0753024120, 0753026029, 0753028181, 0753019925, 0753019769, 0753016795, 0753015606, 0753013228, & 0743908968

Designación actual en el Mapa de Uso Territorial para 2045: High-Density Residential (apartments only)/Commercial Services and High-Density Residential/Office Employment

Ordenamiento territorial existente de las propiedades: Planned Commercial (PC) & Neighborhood Business (B1)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de abril de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37713/21CZ29>

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ29
North Salem Station PUD
Project Location: 0 Candun Dr., 0 Laura Duncan Rd., & 0 N. Salem St.
Applicant or Authorized Agent: Ana Wadsworth
Firm: The Wooten Company

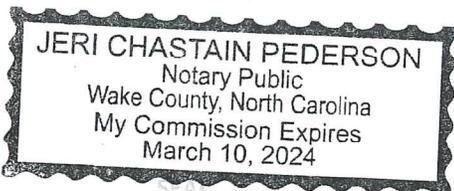
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on March 25, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

3/28/2022
Date

Anne Fkhem
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above
State and County, this the 28 day of March, 2022.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 3 / 10 / 2024



TOWN OF APEX
 POST OFFICE BOX 250
 APEX, NORTH CAROLINA 27502
 PHONE 919-249-3426

**PUBLIC NOTIFICATION
 OF PUBLIC HEARINGS
 CONDITIONAL ZONING #21CZ29
 North Salem Station PUD**

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Ana Wadsworth, The Wooten Company
- Authorized Agent:** Jeff Shifflett, Castle Development Partners
- Property Addresses:** 0 Candun Dr., 0 Laura Duncan Rd., & 0 N. Salem St.
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- 2045 Land Use Map Designation:** High-Density Residential (apartments only)/Commercial Services and High-Density Residential/Office Employment
- Existing Zoning of Properties:** Planned Commercial (PC) & Neighborhood Business (BI)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)
- Public Hearing Location:** Apex Town Hall
 Council Chamber, 2nd Floor
 73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

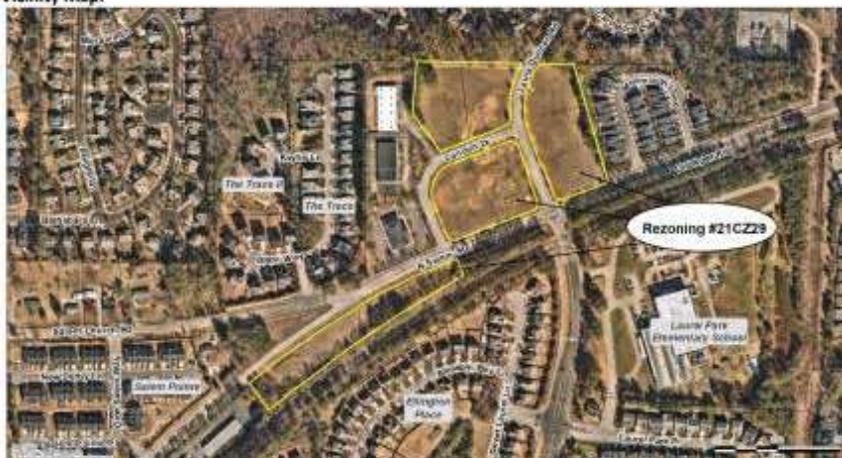
Town Council Public Hearing Date and Time: May 10, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

Vicinity Map:



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Dianna F. Khin, AICP
 Director of Planning and Community Development



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ29
North Salem Station PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Ana Wadsworth, The Wooten Company

Agente autorizado: Jeff Shifflett, Castle Development Partners

Dirección de las propiedades: 0 Candun Dr., 0 Laura Duncan Rd., & 0 N. Salem St.

Superficie: ±10.39 acres

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Designación actual en el Mapa de Uso Territorial para 2045: High-Density Residential (apartments only)/Commercial Services and High-Density Residential/Office Employment

Ordenamiento territorial existente de las propiedades: Planned Commercial (PC) & Neighborhood Business (B1)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 10 de mayo de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37713/21CZ29>.



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ29 North Salem Station PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Ana Wadsworth, The Wooten Company

Authorized Agent: Jeff Shifflett, Castle Development Partners

Property Addresses: 0 Candun Dr., 0 Laura Duncan Rd., & 0 N. Salem St.

Acreage: ±10.39 acres

Property Identification Numbers (PINs): 0753024120, 0753026029, 0753028181, 0753019925, 0753019769, 0753016795, 0753015606, 0753013228, & 0743908968

2045 Land Use Map Designation: High-Density Residential (apartments only)/Commercial Services and High-Density Residential/Office Employment

Existing Zoning of Properties: Planned Commercial (PC) & Neighborhood Business (B1)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: May 10, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37713/21CZ29>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ29

North Salem Station PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Ana Wadsworth, The Wooten Company

Agente autorizado: Jeff Shifflett, Castle Development Partners

Dirección de las propiedades: 0 Candun Dr., 0 Laura Duncan Rd., & 0 N. Salem St.

Superficie: ±10.39 acres

Números de identificación de las propiedades: 0753024120, 0753026029, 0753028181, 0753019925, 0753019769, 0753016795, 0753015606, 0753013228, & 0743908968

Designación actual en el Mapa de Uso Territorial para 2045: High-Density Residential (apartments only)/Commercial Services and High-Density Residential/Office Employment

Ordenamiento territorial existente de las propiedades: Planned Commercial (PC) & Neighborhood Business (B1)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

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Fecha y hora de la audiencia pública del Consejo Municipal: 10 de mayo de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37713/21CZ29>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ29
North Salem Station PUD
Project Location: 0 Candun Dr., 0 Laura Duncan Rd., & 0 N. Salem St.
Applicant or Authorized Agent: Ana Wadsworth
Firm: The Wooten Company

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on April 22, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

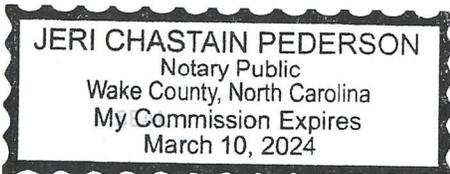
4/22/2022
Date

Shianne F. Kher
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above
State and County, this the 22 day of April, 2022.

Jeri Chastain Pederson
Notary Public



My Commission Expires: 3 / 10 / 24



Rezoning #21CZ29

The Trace

The Trace II

Salem Pointe

Ellington Place

Laurel Park Elementary School

Laurel Park Pl

Public Hearing Sign Posted By
[Signature]
 Signature
 Date 12/10/21

0 250 500
 Feet

December 2021
 November 2021 Aerial Photography
 Prepared by: Town of Apex Planning Department



Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: December 1, 2021
• Name of development: 21CZ29 N. Salem St Station PUD
• Address of rezoning: o Candun Dr, o N. Salem St, o Laura Duncan Rd (PINs 0753024120, 0753026029, 0753028181, 0753019925, 0753019769, 0753016795, 0753015606, 0753013228, 0743908968)
• Total number of proposed residential units: 240
• Type(s) of residential units proposed: Apartments

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- [x] Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
[] Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
[] Elementary [] Middle [] High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- [] Not applicable - existing school capacity is anticipated to be sufficient.
[] School expansion or construction within the next five years is not anticipated to address concerns.
[] School expansion or construction within the next five years may address concerns at these grade levels:
[] Elementary [] Middle [] High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,

Glenn Carrozza

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 10, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion regarding amendments to the Unified Development Ordinance (UDO) related to the creation of the Downtown Festival District and other associated amendments.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board heard these amendments at their April 11, 2022 meeting and unanimously recommended approval.

Item Details

Summary of amendments as requested by Planning Staff:

Amendments to various sections of the UDO in order to create the Downtown Festival District, clarify standards for outside storage and sales within the Central Business District; amend standards for Promotional Events, revise how uses that serve alcohol are permitted, provide a definition for "outdoor operations", create standards for the outdoor operations aspect of certain uses, create the uses "Parking garage, public" and "Parking lot, public", and prohibit "Parking lot, commercial" as a permitted use in the Downtown Festival District.

Sections affected are 4.1.2 *Outside Storage and Sales*; 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses*; 4.3.6 *Use Classifications, Industrial Uses*; 4.4.4 *Supplemental Standards, Recreational Uses*; 4.4.5 *Supplemental Standards, Commercial Uses*; 4.4.6 *Supplemental Standards, Industrial Uses*; 4.6 *Temporary Uses and Structures*; and 12.2 *Terms Defined*.

Attachments

- Staff Report
- Public Notice
- Ordinance



STAFF REPORT

Amendments to the Unified Development Ordinance

May 10, 2022 Town Council Meeting



Requested by Planning Staff:

Amendments to various sections of the Unified Development Ordinance in order to:

1. Create the Downtown Festival District;
2. Clarify standards for outside storage and sales within the Central Business District;
3. Amend standards for Promotional Events;
4. Revise how uses that serve alcohol are permitted;
5. Provide a definition for "outdoor operations" and create standards for the outdoor operations aspect of certain uses.
6. Create the uses "Parking garage, public" and "Parking lot, public"; and
7. Prohibit "Parking lot, commercial" as a permitted use in the Downtown Festival District;

Sections affected are 4.1.2 *Outside Storage and Sales*; 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses*; 4.3.6 *Use Classifications, Industrial Uses*; 4.4.4 *Supplemental Standards, Recreational Uses*; 4.4.5 *Supplemental Standards, Commercial Uses*; 4.4.6 *Supplemental Standards, Industrial Uses*; 4.6 *Temporary Uses and Structures*; and 12.2 *Terms Defined*.

12.2 Defined Terms

...

Downtown Festival District

The purpose and intent of the Downtown Festival District is to celebrate the Salem Street corridor and vicinity and encourage a diversity of activities and programming by allowing more outdoor entertainment options on public and private properties than in other areas of Town while being cognizant of the surrounding residential neighborhoods. Legal description of boundaries: Beginning at an iron pipe being the southwest property corner of the Town of Apex Police Department and being the northwest corner of the Kenneth E. and Cheryl H. Koch, Jr. property; thence along the western property line of the Town of Apex Police Department N 29°37'50" E 91.05' to a point; thence continuing along said property line N 30°23'22" E 13.01' to a point; thence along the same property line N 40°38'29" E 142.69' to a point on the northern right-of-way of Saunders Street; thence along the Saunders Street northern right-of-way S 64°28'48" E 19.44' to a point; thence S 64°15'35" E 89.31' to a point on the aforementioned right-of-way; thence leaving the northern right-of-way of Saunders Street the following three (3) calls: N 18°01'23" E 184.23', N 65°08'53" W 31.82', and N 02°37'34" W 87.12' to a point on the southern boundary of the Brittany Trace neighborhood; then along the southern boundary of Brittany Trace, also being the rear property line for Lots 38 through 47, the following three (3) calls: S 89°48'07" E 14.82', N 89°06'04" E 194.87', and S 88°48'57" E 398.32' to a point; thence N 89°04'55" E 16.80' to a point; thence S 88°02'04" E 272.91' to a point on the western right-of-way of North Salem Street; thence along the North Salem Street western right-of-way the following six (6) calls: N 14°58'41" E 62.09', N 18°22'46" E 40.83', N 18°51'26" E 493.54', N 17°19'26" E 95.95', N 12°19'09" E 53.97', and N 14°51'47" E 151.61' to a point in the centerline of Hunter Street; thence with the Hunter Street centerline S 75°57'32" E 104.78' to a point in the centerline of the mainline track for CSX Transportation; thence along the CSX Transportation mainline track centerline N 02°16'41" E 1282.52' to a point; thence leaving the centerline of the mainline track for CSX Transportation and following the northern property line of the Town of Apex Hunter Street Park property S 87°43'03" E 580.19' to a point in the centerline of Ambergate Station; thence with the Ambergate Station

centerline the following five (5) calls: S 02°43'42" W 159.30', S 02°06'51" W 103.90', S 03°09'44" W 15.57', S 05°10'12" W 20.26', and S 07°23'46" W 1.63' to a point; thence leaving the centerline of Ambergate Station S 87°56'20" E 157.12' to a point on the western right-of-way of CSX Transportation; thence along the CSX Transportation western right-of-way S 26°14'00" W 1091.25' to a point on the northern right-of-way of Hunter Street; thence along the Hunter Street northern right-of-way S 76°01'18" E 103.87' and S 75°58'18" E 78.32' to a point also being the western right-of-way of Metro Station; thence leaving the northern right-of-way of Hunter Street and following the Metro Station western right-of-way the next three (3) calls: N 26°17'55" E 139.57', N 29°35'10" E 20.07', and N 36°09'34" E 20.07' to a point; thence leaving the western right-of-way of Metro Station and following the centerline of Massapequa Station S 63°41'13" E 394.10' to a point; thence leaving the Massapequa Station centerline S 26°15'45" W 14.12' to a point on the eastern right-of-way of Grand Central Station; thence leaving the Grand Central Station eastern right-of-way and following the northern property line of Lot 105 (56 Hunter Street) Villages of Apex South Village – Phase 1A S 63°44'15" E 97.58' to a corner; thence crossing the Villages of Apex South Common Area and following a property line of Lot 1 Villages of Apex South N 75°06'49" E 272.40' to a point; thence continuing with the edge of said property S 79°37'44" E 169.41' to a corner; thence crossing Lot 1 S 57°13'29" E 172.79' to a point in the centerline of Laura Duncan Road; thence along the Laura Duncan Road centerline the following seven (7) calls: S 30°28'38" W 15.53', S 36°13'57" W 28.13', S 36°18'01" W 50.25', S 38°00'41" W 69.01', S 40°05'16" W 110.45', S 39°37'43" W 106.22', and S 42°26'17" W 78.36' to the intersection of Laura Duncan Road and Hunter Street; thence leaving the intersection and continuing along the North Mason Street centerline the following twelve (12) calls: S 41°38'01" W 54.75', S 40°12'33" W 85.20', S 41°26'40" W 75.54', S 39°39'03" W 66.30', S 39°31'22" W 29.69', S 35°22'20" W 29.09', S 33°41'24" W 20.46', S 31°48'32" W 25.12', S 27°58'46" W 17.85', S 28°10'00" W 27.49', S 25°34'30" W 29.63', and S 25°01'01" W 26.26' to a point; thence leaving the centerline of North Mason Street and continuing along the northern property line of Town of Apex, also being the southern limit of an abandoned railroad easement, the following three (3) calls: S 57°30'04" E 71.43', S 51°04'36" E 36.87', and S 45°31'56" E 40.38' to a point; thence crossing the aforementioned Town of Apex property S 20°27'19" W 222.17' to its southern property line; thence along the southern property line of Town of Apex N 69°32'41" W 120.00' to a point on the eastern right-of-way of North Mason Street; thence N 22°06'06" E 34.22' to a point on the North Mason Street eastern right-of-way; thence crossing the right-of-way of North Mason Street and continuing along the southern property line of Town of Apex Town Campus N 66°08'18" W 199.31' to a corner; thence along a common line between Town of Apex and Larry Mack Jordan N 22°28'32" E 162.69' and N 77°35'02" W 96.38' to a corner; thence crossing a portion of Larry Mack Jordan, Town of Apex Town Campus, and North Hughes Street, also being collinear with the southern property line of the former Tunstall Life Estate, N 64°48'43" W 716.19' to a point in the centerline of the mainline track for CSX Transportation; thence along the CSX Transportation mainline track centerline S 26°12'58" W 2880.48' to a point on the eastern right-of-way of East Williams Street (NC Highway 55); thence with the NC Highway 55 eastern right-of-way N 66°53'40" W 628.99' to a point on the eastern right-of-way of West Williams Street, also being the southeast corner of A.T. Seymour Heirs; thence along the eastern property line of A.T. Seymour Heirs the following three (3) calls: N 26°16'51" E 166.66', S 64°40'27" E 3.99', and N 27°36'14" E 109.53' to a point on the southern property line of Thomas E. Seymour; thence along the property lines of Thomas E. Seymour the following three (3) calls: N 64°44'27" W 209.92', N 29°11'13" E 116.32', and S 63°52'04" E 170.02' to the southeast corner of Eric D. and Patricia Pollock Creta; thence along the eastern property line of Eric D. and Patricia Pollock Creta N 26°07'32" E 184.96' to a point on the southern right-of-way of West Moore Street; thence along the West Moore Street southern right-of-way S 63°57'53" E 10.10' to a point; thence leaving the southern right-of-way of West Moore Street and following the eastern right-of-way of Hudson Avenue N

28°53'12" E 130.24' to a point; thence leaving the Hudson Avenue eastern right-of-way S 61°06'48" E 109.23' to a point; thence N 28°09'08" E 80.92' to a point; thence N 60°52'34" W 33.18' to a point; thence N 30°30'46" E 85.93' to a point; thence N 62°41'01" W 76.03' to a point; thence N 28°25'56" E 128.57' to a point being on the eastern right-of-way of Hudson Avenue and the southern right-of-way of Holleman Street; thence crossing Hudson Avenue N 56°56'16" W 20.07' to the northeast corner of William J. Evans, Jr.; thence along the Holleman Street southern right-of-way, also being the northern property line of William J. Evans, Jr., N 60°00'00" W 192.72' to the northeast corner of Carey C. Jones Memorial Park; thence leaving the southern right-of-way of Holleman Road and following the eastern edge of Carey C. Jones Memorial Park the following six (6) calls: S 29°51'00" W 150.00', N 60°03'08" W 5.20', S 26°14'24" W 99.23', N 63°24'21" W 11.54', N 65°03'26" W 89.86', and S 29°57'39" W 162.25' to a point on the northern right-of-way of West Moore Street; thence with the West Moore Street northern right-of-way N 71°38'54" W 546.63' to a point on the eastern right-of-way of Upchurch Street; thence along the Upchurch Street eastern right-of-way N 30°10'39" E 558.38' to a point on the northern right-of-way of Holleman Street; thence along the Holleman Street northern right-of-way S 61°48'47" E 284.70' and S 59°01'13" E 289.14' to a corner of Apex Baptist Church; thence leaving the northern right-of-way of Holleman Street and following along the western edge of Apex Baptist Church the next four (4) calls: N 28°31'39" E 174.53', S 65°08'57" E 67.87', S 65°34'53" E 64.94', and N 29°20'38" E 256.34' to a point on the northern right-of-way of West Chatham Street; thence along the West Chatham Street northern right-of-way S 64°49'33" E 156.08' to a point; thence leaving the northern right-of-way of West Chatham Street N 27°15'51" E 159.33' to a point on the southern property line of the Town of Apex Police Department; thence along the southern property line of the Town of Apex Police Department the following four (4) calls: N 64°05'39" W 289.37', N 64°18'46" W 80.73', N 64°41'58" W 94.64', and N 64°14'26" W 103.74' to the point and place of beginning.

4.1.2 Outside Storage and Sales

...

- C) In the Central Business District, outdoor storage, display, and sales/rentals located on public sidewalks must comply with the following requirements:
- 1) ——— Outdoor storage, display, and sales/rentals may be located only in those areas designated as "Outdoor Storage, Display, and Sales/Rentals" on an approved site-specific development plan in a form approved by the Director of Planning and Community Development;
 - 21) Outdoor storage, display, and sales/rentals ~~must~~**shall** be located, situated, and conducted in a manner that maintains, and does not encroach into, a 36-**inch**" clear accessible pedestrian travel path between the brick utility strip adjacent to the sidewalk and the area designated for outdoor storage, display, and sales/rentals; and
 - 32) Outdoor seating and items used in connection with sidewalk cafés, including but not limited to chairs and tables, ~~may~~**shall** not encroach into the 36-**inch**" clear accessible pedestrian travel path.

Promotional Event Changes

4.6.1 Temporary Uses and Structures, Permit Required

A) *General*

A temporary use or structure for one or more of the following described uses shall be permitted in any zoning district. All temporary uses and structures shall obtain a ~~Temporary Use Permit~~ Temporary Use Permit pursuant to the procedures set forth in Sec. 2.3.11 *Temporary Use*.

B) *General Regulations*

...

5) Temporary uses and activities ~~or special events~~ shall not jeopardize the public health or safety, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

C) *Uses Allowed*

...

5) *Promotional event.* For-profit promotional events are **those events that occur outside of a building, not including outdoor service areas used on a regular basis for such business. Such events are** allowed provided that:

a) The size and location of the promotional event shall be reasonably related to the existing business and in no case shall interfere with the day-to-day business operations of on-site or adjacent businesses. A plan showing the layout of the promotional event is required.

b) **Outside the Downtown Festival District, the frequency and duration of the for-profit promotional event shall be permitted only under subsection (i) or (ii) as determined by the business at the time of first application in each calendar year as follows:**

(i) No more than three (3) promotional events shall occur at any one development business per calendar year; the promotional event shall be limited to no more than 14 days in length; or

~~ε~~**(ii) No more than six (6) promotional events shall occur at any one business per calendar year; the promotional event shall be limited to no more than 14 one (1) days in length.**

c) **Within the Downtown Festival District, the following standards shall apply:**

(i) No more than one (1) promotional event shall occur at any one business per calendar month.

(ii) The promotional event shall be limited to one (1) day in length.

(iii) All outdoor areas associated with a promotional event shall be located at least 45 feet from a residential zoning district or a conforming detached single-family dwelling, not to include the HDMF or MORR districts.

...

for use by the patrons of the establishment. **This use may include the on-premise sale, service, and consumption of food.**

...
C)

Food and Beverage Service

...
2)

Restaurant, general. ~~“Restaurant, general” means a~~ **An** establishment where the principal business is the sale of food and ~~non-alcoholic beverages~~ in a ready-to-consume state, ~~the receipts from alcohol sales do not exceed the limit stated in UDO Subsection 4.3.5.C.2.e,~~ and the design or principal method of operation consists of one or more of the following:

- a) A sit-down restaurant or café where customers normally sit at a table, are provided with an individual menu, and are generally served food and beverages in non-disposable containers by a restaurant employee. Customers may also be served food and beverages by a restaurant employee at a counter; or
- b) A cafeteria or cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant; or
- c) A restaurant, which may have characteristics of a fast food restaurant, having floor area exclusively within a shopping or office center, sharing common parking facilities with other businesses within the center, and having access to a common interior pedestrian accessway.
- d) An establishment primarily engaged in the retail sale of a limited variety of baked goods, candy, coffee, ice cream or other specialty food items, which may be prepared for on-premises sale and which may be consumed on the site, but excluding any service to a customer in an automobile. Typical uses include delicatessens, retail bakeries, coffee shops, donut shops, and ice cream parlors.
- e) This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use, ~~provided that an establishment’s quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment’s quarterly total gross receipts from the sale of food, non-alcoholic beverages, and alcoholic beverages.~~

4.3.6 Use Classifications, Industrial Uses

...
B)

Production

...
7)

Brewery. A facility for the brewing of beer that produces greater than 15,000 barrels per year. **This use may include a tasting room and retail space to sell the beer to patrons on the site.** This use may include the on-premise sale, service, and consumption of alcoholic beverages **and food**, ~~as an accessory and secondary use, provided that an establishment’s quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment’s quarterly total gross receipts.~~

- 8) *Microbrewery*. A small facility for the brewing of beer that produces more than 300 and less than 15,000 barrels per year. It may include a tasting room and retail space to sell the beer to patrons on the site. This use may include the on-premise sale, service, and consumption of alcoholic beverages and food.
- 9) *Distillery*. A facility for the distillation of spirituous liquor that produces greater than 15,000 barrels per year. This use may include the on-premise sale, service, and consumption of alcoholic beverages **and food** as an accessory and secondary use, ~~provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts.~~
- 10) *Microdistillery*. A small facility for the distillation of spirituous liquor that produces less than 15,000 barrels per year. It may include a tasting room on the site. This use may include the on-premise sale, service, and consumption of alcoholic beverages **and food** as an accessory and secondary use, ~~provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts.~~

4.4.4 Supplemental Standards, Recreational Uses

An establishment in the recreational uses category may sell unfortified wine and malt beverages provided that the establishment meets all the requirements of an Alcoholic Beverage Control Commission permit ~~and the establishment's on-premise alcohol sales do not exceed 49% of the establishment's quarterly gross receipts.~~

12.2 Defined Terms

...

Outdoor Operations

Area designated for seating, food or beverage service, entertainment, or other similar activities located outside the primary business.

...

NOTE: For all Supplemental Standards sections below, red text has been added to reflect the intent of the proposed definition for the Downtown Festival District. This additional text is noted in red because it was not initially included in drafts reviewed by the Planning Committee of Town Council or the public in the virtual Q&A session held on March 22, 2022.

4.4.5 Supplemental Standards, Commercial Uses

A) *Adult Use*

...

- 2) ~~*Bar, nightclub, wine bar, or taproom*. A Special Use Permit (Sec. 2.3.5) shall be required for all bars, nightclubs, wine bars, and taprooms. Outside serving areas and outside amplified sound shall be prohibited in bars and nightclubs located adjacent to any residential district except when approved according to the standards found in Sec. 4.6 Temporary Uses and Structures.~~

- a) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

- i) Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and
- ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

b) Within the Downtown Festival District, outdoor operations of such use shall comply with the following:

- i) Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and
- ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in require approval of a Temporary Use Permit for a Promotional Event in accordance with Sec. 4.6 Temporary Uses and Structures.

...

C) *Food and Beverage Service*

...

2) *Restaurant, general.* Limits on sales of alcoholic beverages are found in UDO Sec. 4.3.5.C.2.e:

- a) Restaurants in the O&I Office and Institutional District are permitted only when the total floor area of all barber and beauty shops, gift shops, newsstands, pharmacies, and restaurants does not occupy more than 30% of the gross floor area of the building.
- b) Cafeterias are allowed within a permitted use in the LI Light Industrial District if the cafeteria is provided solely for employee use, it does not provide any outside signage or advertising, and it consists of less than 20% of the gross floor area of the building.

c) Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:

- i) Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and
- ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any

conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

d) Within the Downtown Festival District, outdoor operations of such use shall comply with the following:

i) Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and

ii) Outdoor live or recorded acoustic or amplified entertainment shall **not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in** ~~require approval of a Temporary Use Permit for a Promotional Event in accordance with~~ Sec. 4.6 Temporary Uses and Structures.

...

G) *Retail Sales and Service*

An establishment in the retail sales and service category may sell unfortified wine and malt beverages provided that the establishment meets all the requirements of an Alcoholic Beverage Control Commission permit ~~and the establishment's on-premise alcohol sales do not exceed 49% of the establishment's quarterly gross receipts.~~

Outside of the Downtown Festival District, outdoor operations of such uses shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not to include HDMF or MORR. Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

Within the Downtown Festival District, outdoor operations of such use shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts. Outdoor live or recorded acoustic or amplified entertainment shall **not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in** ~~require approval of a Temporary Use Permit for a Promotional Event in accordance with~~ Sec. 4.6 Temporary Uses and Structures.

4.4.6 Supplemental Standards, Industrial Uses

...

B) Production

...

2) *Brewery.* A brewery producing more than 15,000 barrels per year must be located in a stand-alone building.

- a) Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:
- i) Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and
 - ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures.*
- b) Within the Downtown Festival District, outdoor operations of such use shall comply with the following:
- i) Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and
 - ii) Outdoor live or recorded acoustic or amplified entertainment shall **not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in** ~~require approval of a Temporary Use Permit for a Promotional Event in accordance with~~ Sec. 4.6 *Temporary Uses and Structures.*
- 3) *Microbrewery.*
- a) A microbrewery located in B1 or PC is permitted as an accessory use to a Restaurant, general.
 - b) A microbrewery located in B2 shall include a tasting room or retail space.
 - c) Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:
- i) Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and
 - ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures.*

d) Within the Downtown Festival District, outdoor operations of such use shall comply with the following:

i) Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and

ii) Outdoor live or recorded acoustic or amplified entertainment shall ~~not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in~~ ~~require approval of a Temporary Use Permit for a Promotional Event in accordance with~~ Sec. 4.6 *Temporary Uses and Structures.*

4) *Distillery.* A distillery producing more than 15,000 barrels per year must be located in a stand-alone building.

a) Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:

i) Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and

ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures.*

b) Within the Downtown Festival District, outdoor operations of such use shall comply with the following:

i) Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and

ii) Outdoor live or recorded acoustic or amplified entertainment shall ~~not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in~~ ~~require approval of a Temporary Use Permit for a Promotional Event in accordance with~~ Sec. 4.6 *Temporary Uses and Structures.*

5) *Microdistillery*. A microdistillery in the TF district must be located in a stand-alone building.

a) Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:

- i) Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and
- ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.

b) Within the Downtown Festival District, outdoor operations of such use shall comply with the following:

- i) Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and
- ii) Outdoor live or recorded acoustic or amplified entertainment shall **not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in** ~~require approval of a Temporary Use Permit for a Promotional Event in accordance with~~ **Sec. 4.6 *Temporary Uses and Structures*.**

Parking Related Changes

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																				Standards	
		Residential										Business					Planned Development			Other			Section(s)
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	P C	L I	T F	M E C	T N D	P U D	C B	S D		
<u>Parking, commercial-principal use</u>																							
Parking garage, commercial	4.3.5.E.1											P	P	P		P	P	P		*	*	P*	4.4.5.E.1; 6.3
Parking lot, commercial	4.3.5.E.2											P	P	P		P	P			*	*	P*	4.4.5.E.2; 6.3
<u>Parking garage, public</u>	<u>4.3.5.E.3</u>											<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>		<u>*</u>	<u>*</u>	<u>P*</u>	<u>4.4.5.E.2; 6.3</u>
<u>Parking lot, public</u>	<u>4.3.5.E.4</u>											<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			<u>*</u>	<u>*</u>	<u>P*</u>	<u>4.4.5.E.2; 6.3</u>

A “%” indicates that a use category or specific use type is allowed in the corresponding zoning district only as a percentage of the total gross square footage of a permitted use (“P” or “S”). Refer to Sec. 4.4 *Supplemental Standards*, for specific standards.

*Uses in the Small Town Character Overlay District (STC) designated as Permitted (P) are only allowed when also designated as Permitted (P) in the underlying zoning district. Uses requiring Special Use Permits (S) in the underlying zoning district are still required to get a Special Use Permit in the STC Overlay District.

**Uses allowed as a matter-of-right in a Sustainable Development Conditional Zoning District shall be those uses authorized in the Sustainable Development Plan approved for such district. Standards applicable to each such use shall be as provided in this Use Table unless modified by the respective Sustainable Development Plan.

***Uses in the Central Business District designated as Permitted (P) with three asterisks are not allowed in storefront locations. Storefront locations shall mean the first floor of all spaces abutting North Salem Street, East Chatham Street, West Chatham Street, Saunders Street, and Templeton Street, as well as along all principal use public and commercial parking lots and garages.

4.3.5 Use Classifications, Commercial Uses

...

E) Parking, ~~Commercial~~ Principal Use

- 1) *Parking garage, commercial.* A building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use.
- 2) *Parking lot, commercial.* A paved area intended or used for the off-street parking of motor vehicles on a temporary basis, other than accessory to a principal use, for profit.
- 3) **Parking garage, public. A building or other structure owned and maintained by the Town that provides temporary parking for motor vehicles, where some or all of the parking spaces are not accessory to another principal use. This use shall include public-private partnerships.**
- 4) **Parking lot, public. A paved area owned and maintained by the Town intended or used for the off-street parking of motor vehicles on a temporary basis, other than accessory to a principal use. This use shall include public-private partnerships.**

4.4.5 Supplemental Standards, Commercial Uses

E) Parking, ~~Commercial~~ Principal Use

- 1) *Parking garage or lot, commercial.* A commercial parking garage or lot use shall comply with the following standards:
 - a) A commercial parking garage or lot use shall be the principal use. Parking spaces may be rented for parking. No other business of any kind shall be conducted on the lot, including repair, service, washing, display or storage of vehicles or other goods; and
 - b) A commercial parking garage or lot shall not be contiguous to lands in the residential zoning districts.

- c) **A commercial parking lot shall not be allowed within the Downtown Festival District.**
 - d) ~~Street frontage of a commercial parking lot in the B2 Downtown Business Districts shall be limited to 100 feet.~~
 - d) **Commercial** parking garages in the B2 Downtown Business and TND-CZ Traditional Neighborhood Districts shall have retail, office, or residential uses on the bottom floor across the entire width of street frontage except for required entrances and the attendant station.
- 2) **Parking garage or lot, public. A public parking garage or lot use shall comply with the following standards:**
- a) **Within the Downtown Festival District, new public parking garages or lots shall not be located immediately adjacent to Salem Street.**
 - b) **Within the Downtown Festival District, a public parking garage shall meet the following design standards in addition to those found in Sec. 6.3 Small Town Character Overlay District and Article 9: Design Standards:**
 - (i) **The first floor of facades along rights-of-way shall be wrapped with a non-residential use; and**
 - (ii) **At least 75% of the exterior shall be brick.**

PLANNING STAFF RECOMMENDATION:

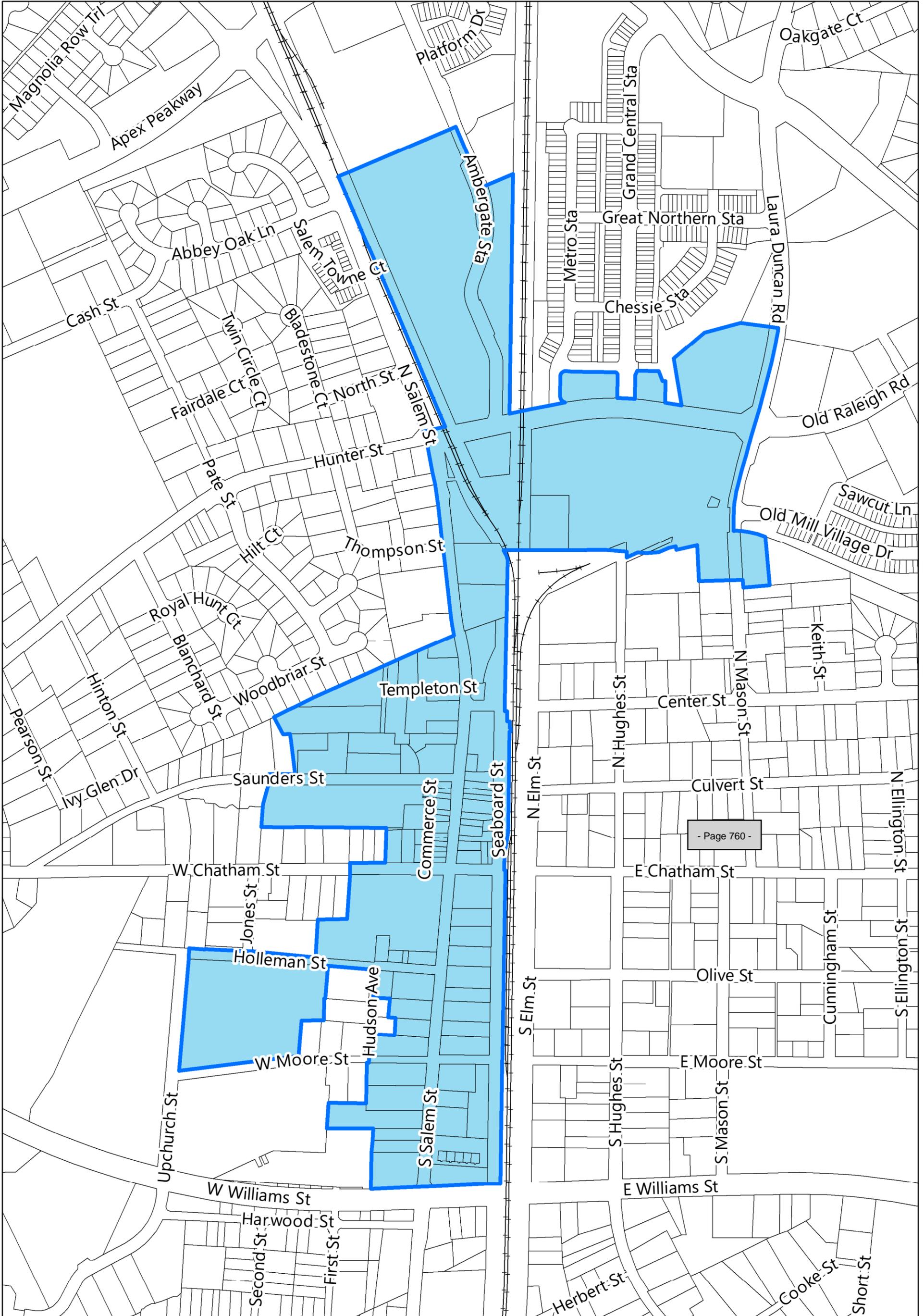
Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their April 11, 2022 meeting and unanimously recommended approval.

Downtown Festival District

DRAFT



- Page 760 -



PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments: Downtown Festival District-related

Planning Board Meeting Date: April 11, 2022



Report Requirements:

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Elaine Boyle

Seconded by Planning Board member: Mark Steele

- Approval of the proposed UDO amendment(s)
Approval of the proposed UDO amendment(s) with the following conditions:

Denial of the proposed UDO amendment(s)

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of April 2022.

Attest:

Handwritten signature of Reginald Skinner

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.04.11 20:25:42 -04'00'

Dianne Khin, Director of Planning and Community Development



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to create the Downtown Festival District, clarify standards for outside storage and sales within the Central Business District; amend standards for Promotional Events, revise how uses that serve alcohol are permitted, provide a definition for "outdoor operations", create standards for the outdoor operations aspect of certain uses, create the uses "Parking garage, public" and "Parking lot, public", and prohibit "Parking lot, commercial" as a permitted use in the Downtown Festival District.

Sections affected are 4.1.2 *Outside Storage and Sales*; 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses*; 4.3.6 *Use Classifications, Industrial Uses*; 4.4.4 *Supplemental Standards, Recreational Uses*; 4.4.5 *Supplemental Standards, Commercial Uses*; 4.4.6 *Supplemental Standards, Industrial Uses*; 4.6 *Temporary Uses and Structures*; and 12.2 *Terms Defined*.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: May 10, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 19-May 10, 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

A solicitud del personal de planificación:

1. Enmiendas a varias secciones de la UDO con el fin de crear el Distrito de Festivales del Centro, aclarar los estándares para el almacenamiento exterior y las ventas dentro del Distrito Comercial Central; enmendar los estándares para Eventos Promocionales, revisar los usos para permisos de servir alcohol, proporcionar una definición para “operaciones al aire libre” crear estándares para el aspecto de operaciones al aire libre de ciertos usos, crear los usos “Edificio de estacionamiento Público” y “Estacionamiento Público al aire libre”, y prohibir “Estacionamiento Comercial” como uso permitido en el Distrito de Festivales del Centro.

Las Secciones afectadas son 4.1.2 *Almacenamiento exterior y ventas*; 4.2.2 *Tabla de Uso*; 4.3.5 *Clasificaciones de Uso, Usos Comerciales*; 4.3.6 *Clasificaciones de Uso, Usos Industriales*; 4.4.4 *Estándares Suplementarios, Usos Recreativos*; 4.4.5 *Normas Suplementarias, Usos Comerciales*; 4.4.6 *S Normas Suplementarias, Usos Industriales*; 4.6 *Usos Temporales y Estructuras*; y 12.2 *Definición de Términos*.

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 10 de mayo de 2022 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 19 de abril – 10 de mayo de 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

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Requested by Planning Staff:

1. Amendments to various sections of the UDO in order to create the Downtown Festival District, clarify standards for outside storage and sales within the Central Business District; amend standards for Promotional Events, revise how uses that serve alcohol are permitted, provide a definition for "outdoor operations", create standards for the outdoor operations aspect of certain uses, create the uses "Parking garage, public" and "Parking lot, public", and prohibit "Parking lot, commercial" as a permitted use in the Downtown Festival District.

Sections affected are 4.1.2 *Outside Storage and Sales*; 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses*; 4.3.6 *Use Classifications, Industrial Uses*; 4.4.4 *Supplemental Standards, Recreational Uses*; 4.4.5 *Supplemental Standards, Commercial Uses*; 4.4.6 *Supplemental Standards, Industrial Uses*; 4.6 *Temporary Uses and Structures*; and 12.2 *Terms Defined*.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: May 10, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org, or submit it to the office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP

Planning and Community Development

- Page 764 -

Published Dates: April 19-May 10, 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

A solicitud del personal de planificación:

1. Enmiendas a varias secciones de la UDO con el fin de crear el Distrito de Festivales del Centro, aclarar los estándares para el almacenamiento exterior y las ventas dentro del Distrito Comercial Central; enmendar los estándares para Eventos Promocionales, revisar los usos para permisos de servir alcohol, proporcionar una definición para "operaciones al aire libre" crear estándares para el aspecto de operaciones al aire libre de ciertos usos, crear los usos "Edificio de estacionamiento Público" y "Estacionamiento Público al aire libre", y prohibir "Estacionamiento Comercial" como uso permitido en el Distrito de Festivales del Centro.

Las Secciones afectadas son 4.1.2 *Almacenamiento exterior y ventas*; 4.2.2 *Tabla de Uso*; 4.3.5 *Clasificaciones de Uso, Usos Comerciales*; 4.3.6 *Clasificaciones de Uso, Usos Industriales*; 4.4.4 *Estándares Suplementarios, Usos Recreativos*; 4.4.5 *Normas Suplementarias, Usos Comerciales*; 4.4.6 *5 Normas Suplementarias, Usos Industriales*; 4.6 *Usos Temporales y Estructuras*; y 12.2 *Definición de Términos*.

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 10 de mayo de 2022 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 19 de abril – 10 de mayo de 2022

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Sections 4.1.2, 4.2.2, 4.3.5, 4.3.6, 4.4.4, 4.4.5, 4.4.6, 4.6, and 12.2 of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

4.1.2 Outside Storage and Sales

...

C) In the Central Business District, outdoor ~~storage, display, and sales/rentals~~ located on public sidewalks must comply with the following requirements:

- ~~1)~~ ~~Outdoor storage, display, and sales/rentals may be located only in those areas designated as “Outdoor Storage, Display, and Sales/Rentals” on an approved site-specific development plan in a form approved by the Director of Planning and Community Development;~~
- 21) Outdoor ~~storage, display, and sales/rentals~~ ~~must~~**shall** be located, situated, and conducted in a manner that maintains, and does not encroach into, a 36-~~inch~~**inch** clear accessible pedestrian travel path between the brick utility strip adjacent to the sidewalk and the area designated for outdoor ~~storage, display, and sales/rentals~~; and
- 32) Outdoor seating and items used in connection with sidewalk cafés, including but not limited to chairs and tables, ~~may~~**shall** not encroach into the 36-~~inch~~**inch** clear accessible pedestrian travel path.

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																		Standards				
		Residential						Business						Planned Development			Other							
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	P C	L I	T F	M E C	T N D	P U D		C B	S D	S T C	
Adult Use																								
Bar, nightclub, wine bar, or taproom	4.3.5.A.2																							
Food and Beverage Service																								
Restaurant, general	4.3.5.C.2																							
Parking, commercial principal use																								
Parking lot, commercial	4.3.5.E.2																							
Parking garage, public	4.3.5.E.3																							
Parking lot, public	4.3.5.E.4																							

...

***Uses in the Central Business District designated as Permitted (P) with three asterisks are not allowed in storefront locations. Storefront locations shall mean the first floor of all spaces abutting North Salem Street, East Chatham Street, West Chatham Street, Saunders Street, and Templeton Street, as well as along all **principal use** public **and commercial** parking lots and garages.

4.3.5 Use Classifications, Commercial Uses

A) *Adult Use*

...

- 2) *Bar, nightclub, wine bar, or taproom.* An establishment **primarily dispensing alcoholic beverages for consumption on premises** ~~that generates more than 49% of its quarterly gross receipts from the sale of alcoholic beverages from on-premise consumption.~~ This use may **typically** include live bands, other music, and dancing as well as games of skill, such as, but not limited to, pool or darts for use by the patrons of the establishment. **This use may include the on-premise sale, service, and consumption of food.**

...

C) *Food and Beverage Service*

...

- 2) *Restaurant, general.* ~~“Restaurant, general” means a~~ An establishment where the principal business is the sale of food and non-alcoholic beverages in a ready-to-consume state, ~~the receipts from alcohol sales do not exceed the limit stated in UDO Subsection 4.3.5.C.2.e,~~ and the design or principal method of operation consists of one or more of the following:
- a) A sit-down restaurant or café where customers normally sit at a table, are provided with an individual menu, and are generally served food and beverages in non-disposable containers by a restaurant employee. Customers may also be served food and beverages by a restaurant employee at a counter; or
 - b) A cafeteria or cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant; or
 - c) A restaurant, which may have characteristics of a fast food restaurant, having floor area exclusively within a shopping or office center, sharing common parking facilities with other businesses within the center, and having access to a common interior pedestrian accessway.
 - d) An establishment primarily engaged in the retail sale of a limited variety of baked goods, candy, coffee, ice cream or other specialty food items, which may be prepared for on-premises sale and which may be consumed on the site, but excluding any service to a customer in an automobile. Typical uses include delicatessens, retail bakeries, coffee shops, donut shops, and ice cream parlors.
 - e) This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use, ~~provided that an establishment’s quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment’s quarterly total gross receipts from the sale of food, non-alcoholic beverages, and alcoholic beverages.~~

...

E) Parking, ~~Commercial~~ **Principal Use**

- 1) *Parking garage, commercial.* A building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use.
- 2) *Parking lot, commercial.* A paved area intended or used for the off-street parking of motor vehicles on a temporary basis, other than accessory to a principal use, for profit.
- 3) **Parking garage, public. A building or other structure owned and maintained by the Town that provides temporary parking for motor vehicles, where some or all of the parking spaces are not accessory to another principal use. This use shall include public-private partnerships.**
- 4) **Parking lot, public. A paved area owned and maintained by the Town intended or used for the off-street parking of motor vehicles on a temporary basis, other than accessory to a principal use. This use shall include public-private partnerships.**

...

4.3.6 Use Classifications, Industrial Uses

...

B) *Production*

...

- 7) *Brewery.* A facility for the brewing of beer that produces greater than 15,000 barrels per year. **This use may include a tasting room and retail space to sell the beer to patrons on the site.** This use may include the on-premise sale, service, and consumption of alcoholic beverages **and food**, ~~as an accessory and secondary use, provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts.~~
- 8) *Microbrewery.* A small facility for the brewing of beer that produces more than 300 and less than 15,000 barrels per year. It may include a tasting room and retail space to sell the beer to patrons on the site. This use may include the on-premise sale, service, and consumption of alcoholic beverages and food.
- 9) *Distillery.* A facility for the distillation of spirituous liquor that produces greater than 15,000 barrels per year. This use may include the on-premise sale, service, and consumption of alcoholic beverages **and food** as an accessory and secondary use, ~~provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts.~~
- 10) *Microdistillery.* A small facility for the distillation of spirituous liquor that produces less than 15,000 barrels per year. It may include a tasting room on the site. This use may include the on-premise sale, service, and consumption of alcoholic beverages **and food** as an accessory and secondary use, ~~provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts.~~

4.4.4 Supplemental Standards, Recreational Uses

An establishment in the recreational uses category may sell unfortified wine and malt beverages provided that the establishment meets all the requirements of an Alcoholic Beverage Control Commission permit ~~and the establishment's on-premise alcohol sales do not exceed 49% of the establishment's quarterly gross receipts.~~

4.4.5 Supplemental Standards, Commercial Uses

A) *Adult Use*

...

2) *Bar, nightclub, wine bar, or taproom.* ~~A Special Use Permit (Sec. 2.3.5) shall be required for all bars, nightclubs, wine bars, and taprooms. Outside serving areas and outside amplified sound shall be prohibited in bars and nightclubs located adjacent to any residential district except when approved according to the standards found in Sec. 4.6 *Temporary Uses and Structures*.~~

a) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

b) **Within the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

...

C) *Food and Beverage Service*

...

2) *Restaurant, general.* ~~Limits on sales of alcoholic beverages are found in UDO Sec. 4.3.5.C.2.e.~~

a) Restaurants in the O&I Office and Institutional District are permitted only

when the total floor area of all barber and beauty shops, gift shops, newsstands, pharmacies, and restaurants does not occupy more than 30% of the gross floor area of the building.

b) Cafeterias are allowed within a permitted use in the LI Light Industrial District if the cafeteria is provided solely for employee use, it does not provide any outside signage or advertising, and it consists of less than 20% of the gross floor area of the building.

c) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.**

d) **Within the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.**

...

E) *Parking, ~~Commercial~~ **Principal Use***

1) *Parking garage or lot, commercial.* A commercial parking garage or lot use shall comply with the following standards:

a) A commercial parking garage or lot use shall be the principal use. Parking spaces may be rented for parking. No other business of any kind shall be conducted on the lot, including repair, service, washing, display or storage of vehicles or other goods; and

b) A commercial parking garage or lot shall not be contiguous to lands in the residential **zoning** districts.

- c) **A commercial parking lot shall not be allowed within the Downtown Festival District.**
 - d) ~~Street frontage of a commercial parking lot in the B2 Downtown Business Districts shall be limited to 100 feet.~~
 - d) **Commercial P** parking garages in the B2 Downtown Business and TND-CZ Traditional Neighborhood Districts shall have retail, office, or residential uses on the bottom floor across the entire width of street frontage except for required entrances and the attendant station.
- 2) **Parking garage or lot, public. A public parking garage or lot use shall comply with the following standards:**
- a) **Within the Downtown Festival District, new public parking garages or lots shall not be located immediately adjacent to Salem Street.**
 - b) **Within the Downtown Festival District, a public parking garage shall meet the following design standards in addition to those found in Sec. 6.3 Small Town Character Overlay District and Article 9: Design Standards:**
 - (i) **The first floor of facades along rights-of-way shall be wrapped with a non-residential use; and**
 - (ii) **At least 75% of the exterior shall be brick.**

...
G)

Retail Sales and Service

An establishment in the retail sales and service category may sell unfortified wine and malt beverages provided that the establishment meets all the requirements of an Alcoholic Beverage Control Commission permit and the establishment's on-premise alcohol sales do not exceed 49% of the establishment's quarterly gross receipts.

Outside of the Downtown Festival District, outdoor operations of such uses shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not to include HDMF or MORR. Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

Within the Downtown Festival District, outdoor operations of such use shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts. Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

4.4.6 Supplemental Standards, Industrial Uses

...

B) Production

...

2) *Brewery.* A brewery producing more than 15,000 barrels per year must be located in a stand-alone building.

a) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

b) **Within the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

3) *Microbrewery.*

a) A microbrewery located in B1 or PC is permitted as an accessory use to a Restaurant, general.

b) A microbrewery located in B2 shall include a tasting room or retail space.

c) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any**

conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

d) Within the Downtown Festival District, outdoor operations of such use shall comply with the following:

i) Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and

ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

4) *Distillery.* A distillery producing more than 15,000 barrels per year must be located in a stand-alone building.

a) Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:

i) Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and

ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

b) Within the Downtown Festival District, outdoor operations of such use shall comply with the following:

i) Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and

ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

5) *Microdistillery.* A microdistillery in the TF district must be located in a stand-alone building.

a) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures.***

b) **Within the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures.***

4.6.1 Temporary Uses and Structures, Permit Required

A) *General*

A temporary use or structure for one or more of the following described uses shall be permitted in any zoning district. All temporary uses and structures shall obtain a ~~Temporary Use~~ **Temporary Use** permit pursuant to the procedures set forth in Sec. 2.3.11 *Temporary Use.*

B) *General Regulations*

...

5) Temporary uses and activities ~~or special events~~ shall not jeopardize the public health or safety, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

C) *Uses Allowed*

...

5) *Promotional event.* For-profit promotional events are **those events that occur outside of a building, not including outdoor service areas used on a regular basis for such business. Such events are** allowed provided that:

- a) The size and location of the promotional event shall be reasonably related to the existing business and in no case shall interfere with the day-to-day business operations of on-site or adjacent businesses. A plan showing the layout of the promotional event is required.
- b) **Outside the Downtown Festival District, the frequency and duration of the for-profit promotional event shall be permitted only under subsection (i) or (ii) as determined by the business at the time of first application in each calendar year as follows:**
 - (i) No more than three (3) promotional events shall occur at any one development **business** per calendar year; **the promotional event shall be limited to no more than 14 days in length;** or
 - ~~e)(ii)~~ **No more than six (6) promotional events shall occur at any one business per calendar year;** ~~the promotional event shall be limited to no more than 14 one (1) days in length.~~
- c) **Within the Downtown Festival District, the following standards shall apply:**
 - (i) **No more than one (1) promotional event shall occur at any one business per calendar month.**
 - (ii) **The promotional event shall be limited to one (1) day in length.**
 - (iii) **All outdoor areas associated with a promotional event shall be located at least 45 feet from a residential zoning district or a conforming detached single-family dwelling, not to include the HDMF or MORR districts.**

...

12.2 Defined Terms

...

Downtown Festival District

The purpose and intent of the Downtown Festival District is to celebrate the Salem Street corridor and vicinity and encourage a diversity of activities and programming by allowing more outdoor entertainment options on public and private properties than in other areas of Town while being cognizant of the surrounding residential neighborhoods. Legal description of boundaries: Beginning at an iron pipe being the southwest property corner of the Town of Apex Police Department and being the northwest corner of the Kenneth E. and Cheryl H. Koch, Jr. property; thence along the western property line of the Town of Apex Police Department N 29°37'50" E 91.05' to a point; thence continuing along said property line N 30°23'22" E 13.01' to a point; thence along the same property line N 40°38'29" E 142.69' to a point on the northern right-of-way of Saunders Street; thence along the Saunders Street northern right-of-way S 64°28'48" E 19.44' to a point; thence S 64°15'35" E 89.31' to a point on the aforementioned right-of-way; thence leaving the northern right-of-way of Saunders Street the following three (3) calls: N 18°01'23" E 184.23', N 65°08'53" W 31.82', and N 02°37'34" W 87.12' to a point on the southern boundary of the Brittany Trace neighborhood; then along the southern boundary of Brittany

Trace, also being the rear property line for Lots 38 through 47, the following three (3) calls: S 89°48'07" E 14.82', N 89°06'04" E 194.87', and S 88°48'57" E 398.32' to a point; thence N 89°04'55" E 16.80' to a point; thence S 88°02'04" E 272.91' to a point on the western right-of-way of North Salem Street; thence along the North Salem Street western right-of-way the following six (6) calls: N 14°58'41" E 62.09', N 18°22'46" E 40.83', N 18°51'26" E 493.54', N 17°19'26" E 95.95', N 12°19'09" E 53.97', and N 14°51'47" E 151.61' to a point in the centerline of Hunter Street; thence with the Hunter Street centerline S 75°57'32" E 104.78' to a point in the centerline of the mainline track for CSX Transportation; thence along the CSX Transportation mainline track centerline N 02°16'41" E 1282.52' to a point; thence leaving the centerline of the mainline track for CSX Transportation and following the northern property line of the Town of Apex Hunter Street Park property S 87°43'03" E 580.19' to a point in the centerline of Ambergate Station; thence with the Ambergate Station centerline the following five (5) calls: S 02°43'42" W 159.30', S 02°06'51" W 103.90', S 03°09'44" W 15.57', S 05°10'12" W 20.26', and S 07°23'46" W 1.63' to a point; thence leaving the centerline of Ambergate Station S 87°56'20" E 157.12' to a point on the western right-of-way of CSX Transportation; thence along the CSX Transportation western right-of-way S 26°14'00" W 1091.25' to a point on the northern right-of-way of Hunter Street; thence along the Hunter Street northern right-of-way S 76°01'18" E 103.87' and S 75°58'18" E 78.32' to a point also being the western right-of-way of Metro Station; thence leaving the northern right-of-way of Hunter Street and following the Metro Station western right-of-way the next three (3) calls: N 26°17'55" E 139.57', N 29°35'10" E 20.07', and N 36°09'34" E 20.07' to a point; thence leaving the western right-of-way of Metro Station and following the centerline of Massapequa Station S 63°41'13" E 394.10' to a point; thence leaving the Massapequa Station centerline S 26°15'45" W 14.12' to a point on the eastern right-of-way of Grand Central Station; thence leaving the Grand Central Station eastern right-of-way and following the northern property line of Lot 105 (56 Hunter Street) Villages of Apex South Village – Phase 1A S 63°44'15" E 97.58' to a corner; thence crossing the Villages of Apex South Common Area and following a property line of Lot 1 Villages of Apex South N 75°06'49" E 272.40' to a point; thence continuing with the edge of said property S 79°37'44" E 169.41' to a corner; thence crossing Lot 1 S 57°13'29" E 172.79' to a point in the centerline of Laura Duncan Road; thence along the Laura Duncan Road centerline the following seven (7) calls: S 30°28'38" W 15.53', S 36°13'57" W 28.13', S 36°18'01" W 50.25', S 38°00'41" W 69.01', S 40°05'16" W 110.45', S 39°37'43" W 106.22', and S 42°26'17" W 78.36' to the intersection of Laura Duncan Road and Hunter Street; thence leaving the intersection and continuing along the North Mason Street centerline the following twelve (12) calls: S 41°38'01" W 54.75', S 40°12'33" W 85.20', S 41°26'40" W 75.54', S 39°39'03" W 66.30', S 39°31'22" W 29.69', S 35°22'20" W 29.09', S 33°41'24" W 20.46', S 31°48'32" W 25.12', S 27°58'46" W 17.85', S 28°10'00" W 27.49', S 25°34'30" W 29.63', and S 25°01'01" W 26.26' to a point; thence leaving the centerline of North Mason Street and continuing along the northern property line of Town of Apex, also being the southern limit of an abandoned railroad easement, the following three (3) calls: S 57°30'04" E 71.43', S 51°04'36" E 36.87', and S 45°31'56" E 40.38' to a point; thence crossing the aforementioned Town of Apex property S 20°27'19" W 222.17' to its southern property line; thence along the southern property line of Town of Apex N 69°32'41" W 120.00' to a point on the eastern right-of-way of North Mason Street; thence N 22°06'06" E 34.22' to a point on the North Mason Street eastern right-of-way; thence crossing the right-of-way of North Mason Street and continuing along the southern property line of Town of Apex Town Campus N 66°08'18" W 199.31' to a corner; thence along a common line between Town of Apex and Larry Mack Jordan N 22°28'32" E 162.69' and N 77°35'02" W 96.38' to a corner; thence crossing a portion of Larry Mack Jordan, Town of Apex Town Campus, and North Hughes Street, also being collinear with the southern property line of the former Tunstall Life Estate, N 64°48'43" W 716.19' to a point in the centerline of the mainline track for CSX Transportation; thence along the CSX Transportation mainline track centerline S 26°12'58" W 2880.48' to a point on the

eastern right-of-way of East Williams Street (NC Highway 55); thence with the NC Highway 55 eastern right-of-way N 66°53'40" W 628.99' to a point on the eastern right-of-way of West Williams Street, also being the southeast corner of A.T. Seymour Heirs; thence along the eastern property line of A.T. Seymour Heirs the following three (3) calls: N 26°16'51" E 166.66', S 64°40'27" E 3.99', and N 27°36'14" E 109.53' to a point on the southern property line of Thomas E. Seymour; thence along the property lines of Thomas E. Seymour the following three (3) calls: N 64°44'27" W 209.92', N 29°11'13" E 116.32', and S 63°52'04" E 170.02' to the southeast corner of Eric D. and Patricia Pollock Creta; thence along the eastern property line of Eric D. and Patricia Pollock Creta N 26°07'32" E 184.96' to a point on the southern right-of-way of West Moore Street; thence along the West Moore Street southern right-of-way S 63°57'53" E 10.10' to a point; thence leaving the southern right-of-way of West Moore Street and following the eastern right-of-way of Hudson Avenue N 28°53'12" E 130.24' to a point; thence leaving the Hudson Avenue eastern right-of-way S 61°06'48" E 109.23' to a point; thence N 28°09'08" E 80.92' to a point; thence N 60°52'34" W 33.18' to a point; thence N 30°30'46" E 85.93' to a point; thence N 62°41'01" W 76.03' to a point; thence N 28°25'56" E 128.57' to a point being on the eastern right-of-way of Hudson Avenue and the southern right-of-way of Holleman Street; thence crossing Hudson Avenue N 56°56'16" W 20.07' to the northeast corner of William J. Evans, Jr.; thence along the Holleman Street southern right-of-way, also being the northern property line of William J. Evans, Jr., N 60°00'00" W 192.72' to the northeast corner of Carey C. Jones Memorial Park; thence leaving the southern right-of-way of Holleman Road and following the eastern edge of Carey C. Jones Memorial Park the following six (6) calls: S 29°51'00" W 150.00', N 60°03'08" W 5.20', S 26°14'24" W 99.23', N 63°24'21" W 11.54', N 65°03'26" W 89.86', and S 29°57'39" W 162.25' to a point on the northern right-of-way of West Moore Street; thence with the West Moore Street northern right-of-way N 71°38'54" W 546.63' to a point on the eastern right-of-way of Upchurch Street; thence along the Upchurch Street eastern right-of-way N 30°10'39" E 558.38' to a point on the northern right-of-way of Holleman Street; thence along the Holleman Street northern right-of-way S 61°48'47" E 284.70' and S 59°01'13" E 289.14' to a corner of Apex Baptist Church; thence leaving the northern right-of-way of Holleman Street and following along the western edge of Apex Baptist Church the next four (4) calls: N 28°31'39" E 174.53', S 65°08'57" E 67.87', S 65°34'53" E 64.94', and N 29°20'38" E 256.34' to a point on the northern right-of-way of West Chatham Street; thence along the West Chatham Street northern right-of-way S 64°49'33" E 156.08' to a point; thence leaving the northern right-of-way of West Chatham Street N 27°15'51" E 159.33' to a point on the southern property line of the Town of Apex Police Department; thence along the southern property line of the Town of Apex Police Department the following four (4) calls: N 64°05'39" W 289.37', N 64°18'46" W 80.73', N 64°41'58" W 94.64', and N 64°14'26" W 103.74' to the point and place of beginning.

...

Outdoor Operations

Area designated for seating, food or beverage service, entertainment, or other similar activities located outside the primary business.

...

- Section 2.** The Director of Planning and Community Development and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. The ordinance shall be effective upon enactment on the ____ day of _____ 2022.

Introduced by Council Member _____

Seconded by Council Member _____

Attest: TOWN OF APEX

Interim Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 10, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance (UDO).

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board heard amendments 1, 3, and 4 at their April 11, 2022 meeting and unanimously recommended approval. The Planning Board heard Amendment 2 at their December 13, 2021 meeting and unanimously recommended approval.

Item Details

Requested by the Planning Committee of Town Council:

1. Amendments to Sec. 4.4.5.G.13 *Supplemental Standards, Commercial Uses, Retail Sales and Service, Retail sales, general* to require that vape and tobacco stores be located at least 1,000 feet from any public or private school.

Requested by Planning Staff:

2. Amendments to Secs. 6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs* and 8.2.7 *Fences, Walls, and Berms* in order to allow fences to completely enclose a Stormwater Control Measure (SCM) even if some or all of the SCM is dedicated or proposed to be dedicated as Resource Conservation Area (RCA).
3. Amendments to Sec. 7.5.14 *Defects Guarantee* in order to set a different guarantee periods for residential and non-residential subdivisions.
4. Amendments to Sec. 5.1.5 *Small Town Character Overlay District* in order to clarify the maximum height allowed for buildings in the Central Business District that don't qualify for additional height according to footnote 1 of that section.

Attachments

- Staff Report
- Public Notice
- Ordinance





Requested by Planning Committee of Town Council:

- 1. **Amendments to Sec. 4.4.5.G.13 *Supplemental Standards, Commercial Uses, Retail Sales and Service, Retail sales, general* to require that vape and tobacco stores be located at least 1,000 feet from any public or private school.**

4.4.5.G Supplemental Standards, Commercial Uses, Retail Sales and Service

...

13) Retail sales, general.

a) Vape and tobacco stores shall be located at least 1,000 feet from any public or private school.

b) Retail sales, general in the TF Tech/Flex District and LI Light Industrial District are permitted as follows:

~~a)~~**(i)** Within the TF District, the floor area of the Retail sales, general use(s) shall not occupy more than 30% of the gross floor area of a development.

~~b)~~**(ii)** Within the LI District, the floor area of the Retail sales, general use(s) shall not occupy more than 30% of the gross floor area of the building and shall be associated with the principal industrial use on the site.

Requested by Planning Staff:

- 2. **Amendments to Secs. 6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs* and 8.2.7 *Fences, Walls, and Berms* in order to allow fences to completely enclose a Stormwater Control Measure (SCM) even if some or all of the SCM is dedicated or proposed to be dedicated as Resource Conservation Area (RCA).**

Background:

The current interpretation of the UDO is that a fence is not allowed to encircle a Stormwater Control Measure (SCM) when any portion of the SCM is dedicated as Resource Conservation Area (RCA). Water Resources staff is fine with allowing fencing as it does not affect the functionality of the SCM as long as they provide proper SCM maintenance, access, and public easements, including adequate gates. Since we mandate SCMs, if the property owner/HOA feels liability is incurred as a result of that requirement, we feel they should have the opportunity to address that liability with a fence.

This amendment was heard at the January 11, 2022 Town Council meeting and was referred to the Planning Committee of Town Council for further discussion. The Planning Committee, on a split vote, returned the amendment for consideration with no changes.

6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs*

...

- 10) ~~In lieu of peripheral fencing, d~~etention and retention basin edges shall be contoured and shaped to form low angles at primary water line thereby ensuring greater pedestrian safety. **A peripheral fence may be installed in accordance with Sec. 8.2.7 *Fences, Walls, and Berms*.**

...

8.2.7 Fences, Walls, and Berms

Fences, walls, and berms are permitted as elements of site design and in some locations, may be used to conceal storage or other unsightly or conflicting land uses. ~~Fences are not allowed around detention and retention basins per Sec. 6.1.12.B.10.~~ All fences, walls, and berms shall meet the following requirements:

A) *Materials*

- 1) **Unless specified elsewhere,** fences or walls shall be constructed of wood, stone, brick, decorative concrete block, wrought iron, (or products created to resemble these materials), or a combination of any of these materials. Chain link fencing is allowed provided it meets the standards in Sec. 8.2.7.A.4.

...

- 6) **Fences along or around a stormwater control measure shall only be constructed of wrought iron or black aluminum pickets (or products created to resemble these materials).**

...

3. Amendments to Sec. 7.5.14 Defects Guarantee in order to set a different guarantee periods for residential and non-residential subdivisions.

7.5.14 Defects Guarantee

A) The Town shall require a guarantee (enforceable at the sole discretion of the Town) for utility taps, curbs, gutters, street pavement, sidewalks, greenways, drainage facilities, water and sewer lines, and other improvements against defects for one (1) year. **For residential subdivisions,** All a guarantees must remain in force in the Town’s favor for a period of no less than the longer of 1) one year from the satisfactory completion of the performance inspection, or 2) until ~~60~~**75%** of the **residential** lots in the bonded phase have been issued a Certificate of Occupancy. **For non-residential subdivisions, the guarantees must remain in force in the Town’s favor for a period of no less than the longer of 1) one year from the satisfactory completion of the performance inspection, or 2) until 50% of the lots in the bonded phase have been issued a Certificate of Occupancy.** If during the ~~one-year~~ defects period substantial corrections to the required improvements are made, then such corrections must be guaranteed for an additional one (1) year after acceptance by the Town. Substantial corrections are defined as follows:

- 1) *Roadway.* Total repair area exceeds 15% of the original construction.
- 2) *Curb and gutter.* Total linear feet of repairs exceeds 15% of the original construction.
- 3) *Water system.* The system experiences two (2) or more failures with the piping or any associated components.
- 4) *Sewer system.* The system experiences two (2) or more failures with the piping or any associated components.
- 5) *Storm water collection system.* The system experiences two (2) or more failures with the piping or any associated components.

B) This guarantee shall be in the amount determined by the Water Resources Director or Public Works and Transportation Director, as appropriate.

4. Amendments to Sec. 5.1.5 Small Town Character Overlay District in order to clarify the maximum height allowed for buildings in the Central Business District that don't qualify for additional height according to footnote 1 of that section.

Background: When the standards for additional building height were added as Footnote 1, the maximum height in the table was incorrectly changed. This amendment sets the maximum height for buildings not meeting the standards for additional height to the previous standard.

5.1.5 Small Town Character Overlay District

Use	Average Lot Size	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Up Area (%) [*]	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
Central Business District	—	—	10 max.	0	10	10 max.	<u>2 stories and 36 or 3 stories and 50⁺per footnote 1</u>	100	—	—
Non-Residential	—	—	25 max.	8	10	25 max.	36	70	—	—
Single-family	—	60	20	8, 10 on side with driveway in front yard	15	10	36	50	6	—
Multi-family / Condominium	—	60	20 ²	10 ²	15 ²	10 ²	36	60	14	—
Townhouse	—	20	20 ²	0	15 ²	15	36	50	12	10' aggregate setback between buildings; Sec. 2.3.4
Townhouse, detached	—	26	10 min./15 max.	3	5	15	36	70	7	Sec. 2.3.4; Sec. 4.4.1.J
Government services	—	—	25 max.	8	10	10	70	70	—	—

^{*} See Sec 6.1 Watershed Protection Overlay Districts.

¹ Building height may be increased to 3 stories and 50 feet if the following conditions are met:

- a. The existing structure is not contributing to the historic district.
- b. The existing or proposed building shall be located on Salem Street.
- c. The existing or proposed building is located on the corner of 2 public streets or a public street and a public alley.
- d. The 3rd story shall be set back at least 18 feet from the property line along the front façade.
- e. Open air rooftop dining shall be exempt from the height calculation.

² These setbacks are for the perimeter of the entire project only, not setbacks between units or buildings.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard amendments 1, 3, and 4 at their April 11, 2022 meeting and unanimously recommended approval. The Planning Board heard Amendment 2 at their December 13, 2021 meeting and unanimously recommended approval.

PLANNING BOARD REPORT TO TOWN COUNCIL
Unified Development Ordinance Amendments: Various amendments

Planning Board Meeting Date: April 11, 2022



Report Requirements:

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Ryan Akers

- Approval of the proposed UDO amendment(s)
- Approval of the proposed UDO amendment(s) with the following conditions:

Denial of the proposed UDO amendment(s)

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of April 2022.

Attest:

A handwritten signature in black ink, appearing to read "Reginald Skinner".

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.04.11 20:31:36
-04'00'

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Committee of Town Council:

1. Amendments to Sec. 4.4.5.G.13 *Supplemental Standards, Commercial Uses, Retail Sales and Service, Retail sales, general* to require that vape and tobacco stores be located at least 1,000 feet from any public or private school.

Requested by Planning Staff:

2. Amendments to Secs. 6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs* and 8.2.7 *Fences, Walls, and Berms* in order to allow fences to completely enclose a Stormwater Control Measure (SCM) even if some or all of the SCM is dedicated or proposed to be dedicated as Resource Conservation Area (RCA).
3. Amendments to Sec. 7.5.14 *Defects Guarantee* in order to set a different guarantee periods for residential and non-residential subdivisions.
4. Amendments to Sec. 5.1.5 *Small Town Character Overlay District* in order to clarify the maximum height allowed for buildings in the Central Business District that don't qualify for additional height according to footnote 1 of that section.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: May 10, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 19-May 10, 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

Solicitado por el Concejo de Planificación del Ayuntamiento:

1. Enmienda a la Sección 4.4.5.G.13 *Normas Suplementarias, Usos Comerciales, Ventas y Servicios al por menor, Ventas minoristas en general* "para exigir que las tiendas de vapeo y tabaco estén ubicadas al menos a 1,000 pies de distancia de cualquier escuela pública o privada."

Solicitado por el personal de planificación:

1. Enmienda a las Secciones 6.1.12.B *Medidas de Control de Aguas Pluviales (SCMs), Diseño, Ubicación, y paisajismo de SCMs* y 8.2.7 *Cercas, Muros, y bermas* con el fin de permitir que las cercas encierren completamente a una Medida de Control de Aguas Pluviales (SCM) incluso si alguna o todas las medidas de control de aguas pluviales se dedican o se proponen como Área de Conservación de Recursos (RCA).
2. Enmienda a la Sección 7.5.14 *Garantía de Defectos* a fin de establecer períodos de garantía diferentes para fraccionamientos residenciales y no residenciales.
3. Enmienda a la Sección 5.1.5 *Distrito de Superposición de Carácter de Pueblo* con el fin de aclarar la altura máxima permitida para los edificios en el Distrito Comercial Central que no califican para altura adicional de acuerdo con la nota 1 al pie de esa sección.

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 10 de mayo de 2022 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 19 de abril – 10 de mayo de 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

Solicitado por el Consejo de Planificación del Ayuntamiento:

1. Enmienda a la Sección 4.4.5.G.13 *Normas Suplementarias, Usos Comerciales, Ventas y Servicios al por menor, Ventas minoristas en general* "para exigir que las tiendas de vapeo y tabaco estén ubicadas al menos a 1,000 pies de distancia de cualquier escuela pública o privada."

Solicitado por el personal de planificación:

1. Enmienda a las Secciones 6.1.12.B *Medidas de Control de Aguas Pluviales (SCMs), Diseño, Ubicación, y paisajismo de SCMs* y 8.2.7 *Cercas, Muros, y bermas* con el fin de permitir que las cercas encierren completamente a una Medida de Control de Aguas Pluviales (SCM) Incluso si alguna o todas las medidas de control de aguas pluviales se dedican o se proponen como Área de Conservación de Recursos (RCA).
2. Enmienda a la Sección 7.5.14 *Garantía de Defectos* a fin de establecer periodos de garantía diferentes para fraccionamientos residenciales y no residenciales.
3. Enmienda a la Sección 5.1.5 *Distrito de Superposición de Carácter de Pueblo* con el fin de aclarar la altura máxima permitida para los edificios en el Distrito Comercial Central que no califican para altura adicional de acuerdo con la nota 1 al pie de esa sección.

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 10 de mayo de 2022 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 19 de abril – 10 de mayo de 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Committee of Town Council:

1. Amendments to Sec. 4.4.5.G.13 *Supplemental Standards, Commercial Uses, Retail Sales and Service, Retail sales, general* to require that vape and tobacco stores be located at least 1,000 feet from any public or private school.

Requested by Planning Staff:

2. Amendments to Secs. 6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs* and 8.2.7 *Fences, Walls, and Berms* in order to allow fences to completely enclose a Stormwater Control Measure (SCM) even if some or all of the SCM is dedicated or proposed to be dedicated as Resource Conservation Area (RCA).
3. Amendments to Sec. 7.5.14 *Defects Guarantee* in order to set a different guarantee periods for residential and non-residential subdivisions.
4. Amendments to Sec. 5.1.5 *Small Town Character Overlay District* in order to clarify the maximum height allowed for buildings in the Central Business District that don't qualify for additional height according to footnote 1 of that section.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: May 10, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: April 19-May 10, 2022

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Section 4.4.5.G.13 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

4.4.5.G Supplemental Standards, Commercial Uses, Retail Sales and Service

...

13) Retail sales, general.

a) Vape and tobacco stores shall be located at least 1,000 feet from any public or private school.

b) Retail sales, general in the TF Tech/Flex District and LI Light Industrial District are permitted as follows:

~~a)~~**(i)** Within the TF District, the floor area of the Retail sales, general use(s) shall not occupy more than 30% of the gross floor area of a development.

~~b)~~**(ii)** Within the LI District, the floor area of the Retail sales, general use(s) shall not occupy more than 30% of the gross floor area of the building and shall be associated with the principal industrial use on the site.

Section 2. Sections 6.1.12.B and 8.2.7 of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs*

...

10) ~~In lieu of peripheral fencing, d~~**Detention and retention basin edges shall be contoured and shaped to form low angles at primary water line thereby ensuring greater pedestrian safety. A peripheral fence may be installed in accordance with Sec. 8.2.7 Fences, Walls, and Berms.**

...

8.2.7 Fences, Walls, and Berms

Fences, walls, and berms are permitted as elements of site design and in some locations, may be used to conceal storage or other unsightly or conflicting land uses. ~~Fences are not allowed around detention and retention basins per Sec. 6.1.12.B.10.~~ All fences, walls, and berms shall meet the following requirements:

A) *Materials*

1) **Unless specified elsewhere, f**Fences or walls shall be constructed of wood, stone, brick, decorative concrete block, wrought iron, (or products created to resemble these materials), or a combination of any of these materials. Chain link fencing is allowed provided it meets the standards in Sec. 8.2.7.A.4.

...

6) Fences along or around a stormwater control measure shall only be constructed of wrought iron or black aluminum pickets (or products created to resemble these materials).

...

Section 3. Section 7.5.14 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

7.5.14 Defects Guarantee

- A) The Town shall require a guarantee (enforceable at the sole discretion of the Town) for utility taps, curbs, gutters, street pavement, sidewalks, greenways, drainage facilities, water and sewer lines, and other improvements against defects for one (1) year. **For residential subdivisions, All** a guarantees must remain in force in the Town's favor for a period of no less than the longer of 1) one year from the satisfactory completion of the performance inspection, or 2) until ~~60~~**75%** of the **residential** lots in the bonded phase have been issued a Certificate of Occupancy. **For non-residential subdivisions, the guarantees must remain in force in the Town's favor for a period of no less than the longer of 1) one year from the satisfactory completion of the performance inspection, or 2) until 50% of the lots in the bonded phase have been issued a Certificate of Occupancy.** If during the ~~one-year~~ defects period substantial corrections to the required improvements are made, then such corrections must be guaranteed for an additional one (1) year after acceptance by the Town. Substantial corrections are defined as follows:
- 1) *Roadway.* Total repair area exceeds 15% of the original construction.
 - 2) *Curb and gutter.* Total linear feet of repairs exceeds 15% of the original construction.
 - 3) *Water system.* The system experiences two (2) or more failures with the piping or any associated components.
 - 4) *Sewer system.* The system experiences two (2) or more failures with the piping or any associated components.
 - 5) *Storm water collection system.* The system experiences two (2) or more failures with the piping or any associated components.
- B) This guarantee shall be in the amount determined by the Water Resources Director or Public Works and Transportation Director, as appropriate.

Section 4. Section 5.1.5 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

5.1.5 Small Town Character Overlay District

Use	Average Lot Size	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%) [*]	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
Central Business District	—	—	10 max.	0	10	10 max.	<u>2 stories and 36 or 3 stories and 50⁺per footnote 1</u>	100	—	—
Non-Residential	—	—	25 max.	8	10	25 max.	36	70	—	—
Single-family	—	60	20	8, 10 on side with driveway in front yard	15	10	36	50	6	—
Multi-family / Condominium	—	60	20 ²	10 ²	15 ²	10 ²	36	60	14	—
Townhouse	—	20	20 ²	0	15 ²	15	36	50	12	10' aggregate setback between buildings; Sec. 2.3.4
Townhouse, detached	—	26	10 min./15 max.	3	5	15	36	70	7	Sec. 2.3.4; Sec. 4.4.1.J
Government services	—	—	25 max.	8	10	10	70	70	—	—

^{*} See Sec 6.1 *Watershed Protection Overlay Districts*.

¹ Building height may be increased to 3 stories and 50 feet if the following conditions are met:

- a. The existing structure is not contributing to the historic district.
- b. The existing or proposed building shall be located on Salem Street.
- c. The existing or proposed building is located on the corner of 2 public streets or a public street and a public alley.
- d. The 3rd story shall be set back at least 18 feet from the property line along the front façade.
- e. Open air rooftop dining shall be exempt from the height calculation.

² These setbacks are for the perimeter of the entire project only, not setbacks between units or buildings.

Section 5. The Director of Planning and Community Development and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 6. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 7. The ordinance shall be effective upon enactment on the _____ day of _____ 2022.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

Interim Town Clerk

Jacques K. Gilbert

Mayor

Approved As To Form:

Laurie L. Hohe

Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: May 10, 2022

Item Details

Presenter(s): Steve Adams

Department(s): Real Estate & Public Utilities

Requested Motion

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the town's position with respect to property acquisition.

Approval Recommended?

n/a

Item Details

Attachments

- n/a

